

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY
SESSION OF 1992

HELD IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, SEPTEMBER 21, 1992



Vol. 1

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
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3. A topic index of general bills listed alphabetically by subject matter;
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5. A topic index of resolutions;
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FIRST LEGISLATIVE DAY

MONDAY, SEPTEMBER 21, 1992

BE IT REMEMBERED, that on the 21st day of September, A.D., 1992, Guy Hunt, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901,

NOW, THEREFORE, I, Guy Hunt as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 5:00 p.m. on September 21, 1992 and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to provide for additional revenue to be deposited in

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the state general fund, and/or to amend existing statutes containing revenue measures, and to make supplemental appropriations to the Department of Corrections, the Department of Public Safety, the Department of Forensic Sciences and the Military Department.

2. Legislation to appropriate \$5,500,000 to the Alabama Department of Veterans' Affairs for state matching funds for the construction of two state veterans nursing homes.

3. Legislation to revise the laws relating to the sentencing of individuals convicted of certain criminal offenses, including a community corrections proposal, and supplemental appropriations as required to implement such measures.

4. Legislation authorizing the Alabama Criminal Justice Information Center Commission to share the costs of providing computerized criminal justice information services with the users of such services.

5. Legislation to authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry and employment opportunities for the public good and welfare in Northeast Mississippi and Northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

6. Local legislation which requires consideration by the Legislature at this time.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State House, in the City of Montgomery, on this the 21st day of September, 1992.

GUY HUNT,
Governor.

ATTEST:

BILLY JOE CAMP,
Secretary of State.

Pursuant to such proclamation at the hour of 5 o'clock P.M., Monday, September 21, 1992, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable James E. Folsom, Jr., Lieutenant Governor and President and Presiding Officer of

1st Day

the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Senator Walter Owens, Twenty-Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Toni Pappas, Senate Staff.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom

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COMMUNICATION FROM SENATOR JIM PREUITT

August 18, 1992

Mr. McDowell Lee
Secretary of the Senate
11 South Union Street
Montgomery, Alabama 36130

Dear Mr. Lee:

Please notify the Senate that I hereby submit my resignation as Senator from District 11 to become effective this date, August 18, 1992.

Please express my appreciation to the Senate body for serving them as Senate Rules Committee Chairman for this quadrennium.

Sincerely,

JIM PREUITT

The foregoing Communication from Senator Preuitt, recently appointed Probate Judge of Talladega, was read and ordered spread upon the Journal.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Campbell, Sanders, and Wilson for today.

RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Dixon, Bolling, and Ellis.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6 o'clock P.M. on September 21, 1992, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

1st Day

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Lipscomb, Waggoner, and Amari.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

SJR 3. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Monday, September 21, 1992, they adjourn to meet again on Tuesday, September 22, 1992; and when they adjourn on Tuesday, September 22, 1992, they adjourn to meet again on Wednesday, September 23, 1992.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, September 22, 1992, at 12 o'clock Noon, which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

GREG PAPPAS,
Clerk.

RESOLUTIONS

Senator Parsons offered the following Senate Joint Resolution, to-wit:

SJR 4. EXHORTING THE GOVERNOR AND THE DEPARTMENT OF FINANCE TO TAKE CERTAIN ACTIONS REGARDING TELECOMMUNICATIONS CONTRACTS.

WHEREAS, Act 90-553 of the 1990 Regular Session, codified as Sections 41-4-280 to 41-4-293, inclusive, Code of Alabama 1975, established the Division of Telecommunications within the Department of Finance for the purpose of "coordinating and promoting efficiency in the acquisition, operation and maintenance of all telecommunications equipment, systems and networks being used by agencies of the state"; and

WHEREAS, instead of fulfilling the specific statutory mandates of Act 90-553 as enacted two years and five months ago, the Department of Finance entered telecommunications contracts for pay telephone services on state property and facilities without solicitation of competitive bids; and

WHEREAS, a May 14, 1992, Opinion of the Attorney General voided three such pay telephone service telecommunications contracts; the opinion further provided "emergency agreements" without soliciting competitive bids could be entered "pending the earliest possible acquisition of such services through an appropriate bid process"; and

WHEREAS, instead of attempting the "earliest possible acquisition of such services through an appropriate bid process," four months after the agreements were declared invalid, the Department of Finance continues to accept telecommunication services under potentially less profitable emergency contracts; the Department has also attempted to expend scarce state funds to employ an expensive consultant to study the situation; and

WHEREAS, the admission of one company presently providing pay telephone services for certain correctional facilities that the method of calculating the state's commission was based on insufficient data and the voluntary reimbursement of an additional sum by the company to the state indicates unsatisfactory management of the state telecommunications systems and a lack of accountability by the Department of Finance and the Department of Corrections, and the subsequent failure of these departments to perform its own audit of this shortage displays a negligent disregard for the finances of this state in this time of monetary hardship; and

WHEREAS, the Legislature notes that surrounding states, such as the efforts of Tennessee to install a pay telephone system in correctional facilities that is tied to the state's WATTS service, are resolving similar problems in a creative, prompt, and financially beneficial manner, while the inappropriate prior actions and the present inaction of this state continues to cause distrust of public officials, inefficient governmental operation, and potential loss of substantial revenue to state departments deeply damaged by proration; and

WHEREAS, prior to placing an additional tax burden on the people of Alabama, the state should immediately act to resolve this lingering problem and as a critical adjunct to this action the state should ascertain if these pay telephone telecommunications contracts will provide an additional source of revenue to the Department of Corrections and other state agencies in a sufficient amount to alleviate pending economic difficulties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor, Director of Finance, and the Director of the Telecommunications Division of the Department of Finance shall each be provided a copy of this resolution and are vigorously exhorted to fulfill each of the following requests:

1. Immediately solicit competitive bids for and enter appropriate telecommunication contracts providing pay telephone services on state property and facilities.

2. Promptly inform the Legislature of the amount of revenue these contracts will earn and whether that amount is sufficient to solve pending financial problems in the Department of Corrections and other state agencies.

Which was read and referred to the Standing Committee on Rules.

Senators Mitchell, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 5. MOURNING THE DEATH OF BILLY ATKINS.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama records the death of Billy Atkins in November 1991; and

WHEREAS, a former head football coach at Troy State University (TSU), Billy Atkins served in this capacity from 1966 to 1971, during which tenure school records were set by his teams that are yet to the broken; and

WHEREAS, it was Coach Atkins who coached the first national championship team in the history of Troy State University, and his 1968 team is remembered as one of TSU's finest;

WHEREAS, Coach Atkins, during this period, built Trojan football into a program that was competitive with the best, and the TSU brilliant passing game and wide-open offense set the stage for the records that still stand at Troy State University; and

WHEREAS, more importantly, however, was his representation of TSU with class and dignity, and his commitment to excellence, an attribute he imparted to his players and one which held them in good stead throughout their lives; and

WHEREAS, Coach Billy Atkins, of Troy State University, was indeed a man of sterling character, great warmth and concern for others, and his lamentable death has left an unfathomable void in the life and heart of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Coach Billy Atkins and extend deepest sympathy to all his family, for whom a copy of this resolution shall be provided.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bennett, Waggoner, and Amari offered the following Senate Joint Resolution, to-wit:

SJR 6. COMMENDING HOMEWOOD MAYOR ROBERT G. WALDROP FOR 24 YEARS OF LEADERSHIP.

WHEREAS, Homewood Mayor Robert G. Waldrop will officially retire from office October 5, 1992, after 24 years of outstanding leadership and public service; and

WHEREAS, under Mayor Waldrop's guidance, Homewood has undergone tremendous growth and progress, including the establishment of one of Alabama's premier local school systems; and

WHEREAS, during his time in office, Mayor Waldrop has received many honors and awards, including election as president of the Jefferson County Mayor's Association in 1972 and president of the Alabama League of Municipalities in 1976, and presently serves as president of the Alabama Municipal Workmen's Compensation Fund, Inc.; and

WHEREAS, Mayor Waldrop was named by the Shades Valley

Civitans as the Outstanding Citizen of Homewood in 1970 and was honored by the Homewood Board of Education which named the high school football stadium the "Robert G. Waldrop Stadium" in 1976; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mayor Robert G. Waldrop is hereby commended for 24 years of dedicated service to the residents of Homewood in which time the state's 17th largest municipality experienced extraordinary growth.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Waldrop with the Legislature's gratitude and best wishes for the future.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

SJR 7. MOURNING THE DEATH OF JERRY SHREVE FARROW.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of Jerry Shreve Farrow of Alexander City, Alabama, on August 26, 1992; and

WHEREAS, a native of Andalusia and a graduate of Huntingdon College, she also earned a master's degree at Troy State University and completed graduate studies at both the University of Alabama and Auburn University; and

WHEREAS, Mrs. Farrow, an outstanding educator who had taught at Dadeville High School and at A. G. Parrish High School in Selma, was a highly regarded teacher of mathematics with the Alexander City School System for a number of years; respected by her peers and revered by her students, she was widely known for her ability to motivate and inspire her students to excel, and for her special talent for making mathematics more meaningful in relation to other academic course work and the arts; and

WHEREAS, she further was a prominent community leader through activities in a number of civic groups in Alexander City, and had served as organist at both the First Methodist and First Baptist Churches; and

WHEREAS, Mrs. Farrow, the wife of Dr. Charles A. Farrow,

vice president and academic dean of Central Alabama Community College, is survived also by her son, Ben Farrow; mother, Merle Lowman Shreve; brother, William Shreve; and by other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Jerry Shreve Farrow of Alexander City, Alabama, and extend our most heartfelt sympathy to her family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Joint Resolution, to-wit:

SJR 8. MOURNING THE DEATH OF JOHN CASIMIR PIERZALA OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with deepest regret that the Legislature of Alabama records the death of John Casimir Pierzala of Huntsville, Alabama, on November 7, 1991, at the age of 72 years; and

WHEREAS, a familiar front-row figure in Council Chambers at City Hall on Thursday nights, John Pierzala became known as the scrappy, outspoken citizens' advocate in matters of local government, and left an indelible mark on the city he loved; and

WHEREAS, born and raised on Chicago's west side, the son of Polish immigrants, the sharp-tongued conservative met with the City Council with regularity, questioning, challenging, and defending issues of public concern; and

WHEREAS, he will be missed and remembered by many for it has been said that John Pierzala was the people's voice, representing the inclusion of citizens in the governmental process, and that his input helped the process work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the loss of John Casimir Pierzala and extend sincere sympathy to his devoted wife, Marion, and other family members, for whom a copy of this resolution shall be provided.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Bennett:

S. 1. To provide for a supplemental appropriation from the general fund of the state treasury in the amount of \$50,000 for the fiscal year ending September 30, 1993, to the Legislature which sum shall be allocated to the Alabama Legislative Compensation Commission as authorized under the provisions of Act 91-669 of the Regular Session of 1991.

Committee on Finance
and Taxation

By Senator Denton:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Bennett:

S. 3. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to vacations and leaves of absence, so to further allow local boards of education greater flexibility in the development of local board policies.

Committee on Education

By Senator Foshee:

S. 4. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

Committee on Finance
and Taxation

By Senator Foshee:

S. 5. To authorize the Administrative Office of Courts to de-

velop and implement a pilot system for placing certain offenders in residential halfway house programs, and to make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

Committee on Judiciary/Civil

By Senator Foshee:

S. 6. To amend Section 13A-5-9, Code of Alabama 1975, the Alabama Habitual Felony Offender Act, which imposes mandatory increased penalties upon certain criminal defendants who have committed repeated felonies, to allow the judge who imposed the sentence to grant probation if the defendant has served at least 10 years of the sentence and if the defendant is 65 years of age or older.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Lindsey and Corbett:

S. 7. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Committee on Economic Affairs

By Senator Langford:

S. 8. To provide further for certain sales and use tax exemptions, to amend sections 40-23-1, 40-23-4, and 40-23-62, Code of Alabama 1975.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 9. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

Committee on Education

By Senator deGraffenried:

S. 10. To provide for school attendance standards and the op-

eration of motor vehicles by certain persons; and to provide a prospective effective date.

Committee on Public Welfare

By Senator Ghee:

S. 11. To change the name of the Alabama Special Educational Trust Fund.

Committee on Finance
and Taxation

By Senator Mitchell (With Notice and Proof):

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 12, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Corbett (With Notice and Proof):

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 13, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Waggoner (With Notice and Proof):

S. 14. To alter or rearrange the boundary lines of the City of

Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 14, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchell (With Notice and Proof):

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 15, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Waggoner:

S. 16. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Dixon:

S. 17. To amend Sections 17-10-3 to 17-10-5, inclusive, 17-10-7, 17-10-9, and 17-10-11, Code of Alabama 1975, to provide further for the absentee ballot process; and to prescribe penalties for certain violations under this act.

Committee on Constitution
and Elections

By Senators Bedsole and Ellis:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of

Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

Committee on Agriculture,
Conservation, and Forestry

By Senator Bennett:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

Committee on Economic Affairs

By Senator Owens:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Owens:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Mitchem:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Hale:

S. 23. To repeal Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Smith (J):

S. 24. To amend Section 32-5-76, Code of Alabama 1975, which provides criminal penalties for the operation of a vehicle so that the contents drop or spill out, or so that litter is deposited on the highways, roads, or streets; to exempt the operation of a vehicle while the vehicle is used for the delivery of farm products.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Waggoner:

S. 27. To repeal Section 40-21-53 of the Code of Alabama 1975, that imposes a 2.2 percent gross receipts utility license tax on electric, hydroelectric, gas, and other public utilities; to repeal Section 40-21-54 of the Code of Alabama 1975, directing deduction of the 2.2

percent gross receipts utility license tax from the computation of other gross receipts taxes; and to repeal Section 40-21-55 of the Code of Alabama 1975, providing for the distribution of revenues from the 2.2 percent gross receipts utility license tax.

Committee on Commerce,
Transportation, and Utilities

By Senator deGraffenried:

S. 28. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

Committee on Public Welfare

By Senator deGraffenried:

S. 29. To amend Section 9 of Act No. 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.3, Code of Alabama 1975, to require certain 10th grade students to enter a vocational or technical curriculum, unless the parent or guardian objects; and to provide for the competency measurement level of the Alabama High School Graduation Exam.

Committee on Public Welfare

By Senator deGraffenried:

S. 30. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

Committee on Public Welfare

By Senator deGraffenried:

S. 31. To amend Section 8 of Act 91-323 of the 1991 Regular

Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

Committee on Public Welfare

By Senator deGraffenried:

S. 32. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

Committee on Public Welfare

By Senator Ghee:

S. 33. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

Committee on Public Welfare

By Senators deGraffenried, Foshee, Dial, Horn, Corbett, Owens, Denton, Dixon, Waggoner, Smith (J), Lindsey, and Little:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, H. 588, 1992 Regular Session, relating to the recordkeeping requirements and corresponding liability for the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

Committee on Finance
and Taxation

By Senator Corbett:

S. 35. To amend Sections 41-4-180, 41-4-182, 41-4-184, and 41-4-185, Code of Alabama 1975, to provide further for the State Capitol Police and to place them under the auspices of the Legislative Council.

Committee on Economic Affairs

By Senator Mitchell:

S. 36. Relating to the Department of Archives and History and

the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

Committee on Finance
and Taxation

By Senators Hale, Barron, and Dial:

S. 37. To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee and the sales price of the property or its fair market value if greater than the sales price.

Committee on Judiciary/Civil

By Senator Foshee:

S. 38. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

Committee on Finance
and Taxation

By Senator Hale:

S. 39. Proposing an amendment to Sections 232, 233, 234, and 237 of the Constitution of Alabama of 1901, as amended, relating to corporations to authorize the Legislature to define the activities that do or do not constitute the doing of business in Alabama by foreign corporations, to permit domestic corporations to engage in certain business not expressly authorized by its charter, to remove certain restrictions on the issuance of stock and bonds by domestic corporations, and to permit domestic corporations to issue preferred stock as authorized by general law.

Committee on Banking
and Insurance

The above Bill was read a first time at length as required by the Constitution.

By Senator Windom:

S. 40. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

Committee on Finance
and Taxation

By Senator Windom:

S. 41. To provide for the issuance by the Marine Resources Division of the Department of Conservation and Natural Resources of a license to the operator of a fishing pier open to the general public located in the salt and brackish waters of this state; to provide that a person may fish from a licensed public fishing pier without a fishing license; to provide that the revenue from the license shall accrue to the Marine Resource Fund; and to provide penalties for violations of this act.

Committee on Finance
and Taxation

By Senator Horn:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive surplus passenger automobiles without charge.

Committee on Finance
and Taxation

By Senator Horn:

S. 43. To make a supplemental appropriation to the Alabama Military Department from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

SECOND EXTRAORDINARY SESSION
1st Day

23

By Senator Horn:

S. 44. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Horn:

S. 45. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$15,500,000 for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Horn:

S. 46. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 47. To make an appropriation for the support and maintenance of the Alabama Mining Academy located at Bevill State Community College for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Horn:

S. 48. To make a supplemental appropriation to the Department of Public Safety from the State General Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Horn:

S. 49. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Ghee:

S. 50. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Foshee:

S. 51. To amend Section 15-18-8, Code of Alabama 1975, relating to split sentencing imposed by judges upon certain defendants, to remove certain restrictions on when split sentencing is available.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Windom:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

Committee on Judiciary/Civil

By Senator Windom:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference

to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

Committee on Banking
and Insurance

By Senator Windom:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

Committee on Banking
and Insurance

By Senator Waggoner:

S. 55. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board, and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Committee on Finance
and Taxation

By Senator Ghee:

S. 56. To codify the law regarding devolution of an estate at

death and provide restrictions; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, and 43-2-316, Code of Alabama 1975; and to provide for an effective date.

Committee on Judiciary/Civil

By Senators Bailey, Denton, and Barron:

S. 57. To make a supplemental appropriation from the State General Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Hilliard:

S. 58. To create the West Alabama Finance Authority to plan and develop information and financing programs to aid and assist organizations, corporations, businesses, municipalities, counties, individuals, and state, county, and municipal agencies in the region and to provide for the appointment of authority members.

Committee on Commerce,
Transportation, and Utilities

By Senator Hilliard:

S. 59. To create the Warrior River Development Association to plan and develop all programs of information, commerce, and recreational activities designed to assist the economic growth of the region and to provide for the appointment of association members.

Committee on Commerce,
Transportation, and Utilities

By Senator Hilliard:

S. 60. To create the West Alabama Arts Council to encourage the study of the arts and promote interest in art in the region and to provide for the appointment of the council.

Committee on Commerce,
Transportation, and Utilities

By Senator Hilliard:

S. 61. To create the West Alabama Economic Development Council to encourage comprehensive and coordinated planning and programming of economic and community affairs for the region and to provide for the appointment of council members.

Committee on Commerce,
Transportation, and Utilities

By Senator Hilliard:

S. 62. To create the West Alabama Sports Association to encourage and attract more professional athletic, sporting, and promotional events to the region, and to develop publicity and promotional programs for the support of those events and to provide for the appointment of association members.

Committee on Commerce,
Transportation, and Utilities

By Senator Hilliard:

S. 63. To create the West Alabama Agricultural Council to plan and develop programs of information and aid and assist farmers and agricultural related industries and the securing of financing in the region and to provide for the appointment of council members.

Committee on Commerce,
Transportation, and Utilities

By Senator Hilliard:

S. 64. To create the West Alabama Tourist Association to plan and develop all programs of information and publicity designed to attract tourists to the region and to provide for the appointment of association members.

Committee on Commerce,
Transportation, and Utilities

By Senator Corbett:

S. 65. To amend Sections 40-23-36 and 40-23-77, Code of Alabama 1975, to limit the discounts allowed to sellers or vendors who make payments of the state sales and use taxes before delinquency.

Committee on Business
and Labor Relations

By Senator Floyd:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

Committee on Judiciary/Civil

By Senator deGraffenried:

S. 67. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Committee on Judiciary/Civil

By Senator Hilliard (With Notice and Proof):

S. 68. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 68, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 69. To authorize Class I municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB

69, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 70. To provide members of the council or governing body of any Class I municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 70, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard:

S. 71. To amend the Alabama Enterprise Zone Act by providing that the tax incentives shall be available to any small business employing three or more persons.

Committee on Commerce,
Transportation, and Utilities

By Senator Bennett:

S. 72. To require each local school board to establish a written reduction-in-force policy.

Committee on Education

By Senators Corbett, Lindsey, and Ghee:

S. 73. To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an

operations plan and audited financial statement prior to release of any funds.

Committee on Health

By Senator Windom:

S. 74. Relating to garnishment proceedings, exemptions and court procedures involving the collection of debt; to distinguish a prior order of a court for the withholding of child support from a prior order of garnishment; to provide that any such withholding order for child support shall not be deemed by the courts nor claimed by the garnishee or the defendant as an exemption from garnishment; to provide for the valuation of personal property exempted from sale or execution pursuant to Article IV, Section 92 and Article X, Section 204 of the Constitution of Alabama of 1901; and to provide for service of process by publication.

Committee on Banking
and Insurance

RECESS

At 5:30 P.M., Senator deGraffenried moved that the Senate take a recess for the purpose of the Joint Session to hear the Message of His Excellency, the Governor, and further moved that at the completion of the Joint Session, the Senate adjourn until Tuesday, September 22, 1992, at 12 o'clock Noon, which motion was adopted.

JOINT SESSION

At 6 o'clock P.M., the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable Guy Hunt.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Guy Hunt was escorted to the Chair and delivered his address to the Legislature of Alabama.

ADJOURNMENT

At 6:25 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, September 22, 1992, at 12 o'clock Noon.

SECOND LEGISLATIVE DAY
TUESDAY, SEPTEMBER 22, 1992

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Ted Little, Twenty-Seventh Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Regina McDade, Bellingrath Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CRUM FOSHEE,
Deputy Chairperson.

COMMITTEE REPORT

On motion of Senator Foshee, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Barron, Campbell, Figures, Ghee, and Mitchem for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, September 23, 1992, at 9:30 A.M.

Senator Bedsole offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Wednesday, September 23, 1992, as 9 o'clock A.M., which motion was adopted.

RULE 75(A) SUSPENDED

Senator deGraffenried moved that the provisions of Senate Rule 75(a) be suspended for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Horn and Corbett:

S. 75. To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Health

By Senator Bailey:

S. 76. To provide that upon the death of a state employee his

or her beneficiary shall be entitled to payment of one-half of the deceased employee's accrued and unused sick leave.

Committee on Finance
and Taxation

By Senator Foshee:

S. 77. To amend Sections 12-17-1 and 12-17-2, Code of Alabama 1975, to provide for certain court personnel to be included in the state merit system on a certain date and to provide that the court personnel shall be subject to the authority of the state personnel board to the same extent as certain other state employees.

Committee on Governmental
Affairs/State Administration

By Senator Foshee:

S. 78. To authorize the director of finance to establish a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, related to the board of adjustment to make this new program the exclusive remedy for state employees who are injured while at work.

Committee on Governmental
Affairs/State Administration

By Senator Foshee:

S. 79. To propose an amendment to the Constitution of Alabama 1901 to protect the assets of the state insurance fund and the liability trust fund from being used, loaned, encumbered or diverted to or for any purpose other than the purposes for which the said trust funds were established by law.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Dial:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

Committee on Industrial
Development and Expansion

By Senator Dial:

S. 81. To amend Section 22-30B-2 of the Code of Alabama 1975 to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing single base fees of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal sites for all waste or substances disposed of at such sites effective July 15, 1990, until the effective date of this Act and thereafter a single base fee of \$69.50 per ton beginning on the effective date of this Act; to amend Section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend Section 22-30B-2.2, relating to the payment of certain fees to the Alabama public health finance authority, so as to provide further for the allocation of the new fee to said authority; to amend Section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal Section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to place a volume limit on wastes, hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; to provide funding for the Alabama Hazardous Substance Cleanup Fund; and to establish and to fund a hazardous waste and substance prevention and minimization trust fund and to provide for the administration of the fund and the distribution of money in said fund.

Committee on Finance
and Taxation

By Senator Dial:

S. 82. To amend Section 32-6-150 of the Code of Alabama 1975, as amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, relating to the issuance of Atomic Veterans NUKED Commemorative tags and environmental tags to provide further for the period of the veteran tags and the cost of those tags.

Committee on Industrial
Development and Expansion

By Senator Lindsey:

S. 83. Relating to the state Merit System; to provide for credit to be given for experience, and knowledge gained in the unclassified

service in the same, similar, or a substantially similar position in state service.

Committee on Economic Affairs

By Senator Lindsey:

S. 84. To amend Section 36-27-50 of the Code of Alabama 1975, to provide for the coverage of certain state employees by the state employees' retirement system at the option of the employee.

Committee on Economic Affairs

By Senator Sanders:

S. 85. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

Committee on Education

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Lindsey and Corbett:

S. 7. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

By Senator Bennett:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

By Senator Corbett:

S. 35. To amend Sections 41-4-180, 41-4-182, 41-4-184, and

41-4-185, Code of Alabama 1975, to provide further for the State Capitol Police and to place them under the auspices of the Legislative Council.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute):

S. 74. Relating to garnishment proceedings, exemptions and court procedures involving the collection of debt; to distinguish a prior order of a court for the withholding of child support from a prior order of garnishment; to provide that any such withholding order for child support shall not be deemed by the courts nor claimed by the garnishee or the defendant as an exemption from garnishment; to provide for the valuation of personal property exempted from sale or execution pursuant to Article IV, Section 92 and Article X, Section 204 of the Constitution of Alabama of 1901; and to provide for service of process by publication.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

By Senator Windom:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security

interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

By Senator Hale:

S. 39. Proposing an amendment to Sections 232, 233, 234, and 237 of the Constitution of Alabama of 1901, as amended, relating to corporations to authorize the Legislature to define the activities that do or do not constitute the doing of business in Alabama by foreign corporations, to permit domestic corporations to engage in certain business not expressly authorized by its charter, to remove certain restrictions on the issuance of stock and bonds by domestic corporations, and to permit domestic corporations to issue preferred stock as authorized by general law.

The above Bill was read a second time at length as required by the Constitution.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

By Senator Foshee:

S. 6. To amend Section 13A-5-9, Code of Alabama 1975, the Alabama Habitual Felony Offender Act, which imposes mandatory in-

creased penalties upon certain criminal defendants who have committed repeated felonies, to allow the judge who imposed the sentence to grant probation if the defendant has served at least 10 years of the sentence and if the defendant is 65 years of age or older.

By Senator Waggoner:

S. 16. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

By Senator Owens:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement.

By Senator Owens:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

By Senator Mitchem:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

By Senator Hale:

S. 23. To repeal Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

By Senator Smith (J):

S. 24. To amend Section 32-5-76, Code of Alabama 1975, which provides criminal penalties for the operation of a vehicle so that the contents drop or spill out, or so that litter is deposited on the highways, roads, or streets; to exempt the operation of a vehicle while the vehicle is used for the delivery of farm products.

By Senator Floyd:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide

for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

By Senator Floyd:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

By Senator Ghee:

S. 50. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

By Senator Foshee:

S. 51. To amend Section 15-18-8, Code of Alabama 1975, relating to split sentencing imposed by judges upon certain defendants, to remove certain restrictions on when split sentencing is available.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

By Senator Floyd:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in

session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Ellis (With Amendment):

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 10. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

By Senator deGraffenried:

S. 28. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

By Senator deGraffenried:

S. 29. To amend Section 9 of Act No. 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.3, Code of Alabama 1975, to require certain 10th grade students to enter a vocational or technical curriculum, unless the parent or guardian objects; and to provide for the competency measurement level of the Alabama High School Graduation Exam.

By Senator deGraffenried:

S. 30. Requiring the Alabama Commission on Higher Educa-

tion to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

By Senator deGraffenried:

S. 31. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

By Senator deGraffenried:

S. 32. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

By Senator Ghee:

S. 33. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 3. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to vacations and leaves of absence, so to further allow local boards of education greater flexibility in the development of local board policies.

By Senator Lindsey:

S. 9. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

By Senator Bennett:

S. 72. To require each local school board to establish a written reduction-in-force policy.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Notice and Proof):

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

By Senator Corbett (With Notice and Proof):

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

By Senator Mitchell (With Notice and Proof):

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 68. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

By Senator Hilliard (With Notice and Proof):

S. 69. To authorize Class I municipalities and their agencies,

which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

By Senator Waggoner (With Notice and Proof):

S. 14. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

By Senator Hilliard (With Notice and Proof):

S. 70. To provide members of the council or governing body of any Class I municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 4. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Amendment):

S. 11. To change the name of the Alabama Special Educational Trust Fund.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried, Foshee, Dial, Horn, Corbett, Owens, Denton, Dixon, Waggoner, Smith (J), Lindsey, and Little:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, H. 588, 1992 Regular Session, relating to the recordkeeping requirements and corresponding liability for the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Substitute):

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 38. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

By Senator Windom:

S. 40. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

By Senator Windom:

S. 41. To provide for the issuance by the Marine Resources Division of the Department of Conservation and Natural Resources of a license to the operator of a fishing pier open to the general public located in the salt and brackish waters of this state; to provide that a person may fish from a licensed public fishing pier without a fishing license; to provide that the revenue from the license shall accrue to the Marine Resource Fund; and to provide penalties for violations of this act.

By Senator Horn:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive surplus passenger automobiles without charge.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute):

S. 43. To make a supplemental appropriation to the Alabama Military Department from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 44. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of

\$646,000 for the fiscal year ending September 30, 1993.

By Senator Horn:

S. 45. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$15,500,000 for the fiscal year ending September 30, 1993.

By Senator Horn:

S. 46. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 47. To make an appropriation for the support and maintenance of the Alabama Mining Academy located at Beville State Community College for the fiscal year ending September 30, 1993.

By Senator Horn:

S. 48. To make a supplemental appropriation to the Department of Public Safety from the State General Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993.

By Senator Horn:

S. 49. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

By Senator Waggoner:

S. 55. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board, and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

By Senators Bailey, Denton, and Barron:

S. 57. To make a supplemental appropriation from the State General Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1993.

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Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Lindsey, and Ghee (With Substitute):

S. 73. To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

ADJOURNMENT

At 12:30 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Wednesday, September 23, 1992, at 9 o'clock A.M.

THIRD LEGISLATIVE DAY
WEDNESDAY, SEPTEMBER 23, 1992

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Albert Lipscomb, Thirty-Second Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by John Gibbs, Bellingrath Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CRUM FOSHEE,
Deputy Chairperson.

COMMITTEE REPORT

On motion of Senator Foshee, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Campbell, Figures, and Hilliard for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 5. MOURNING THE DEATH OF BILLY ATKINS.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 3. RELATIVE TO MEETING DAYS.

Also:

SJR 6. COMMENDING HOMEWOOD MAYOR ROBERT G. WALDROP FOR 24 YEARS OF LEADERSHIP.

Also:

SJR 7. MOURNING THE DEATH OF JERRY SHREVE FARROW.

Also:

SJR 8. MOURNING THE DEATH OF JOHN CASIMIR

PIERZALA OF HUNTSVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the Speaker has appointed as a committee on the part of the House, Reps. Haney, Smith (R), and Morton.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

And the Speaker has appointed as a committee on the part of the House, Reps. Haney, Morton, and Smith (R).

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill:

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county

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engineer; and prescribing certain regulations relating to county vehicles.

And said Bill, SB 12, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Smith (B), and Waggoner
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Nays: - 0

Senator Corbett then requested and received permission to suspend the Rules in order to bring up the Bill:

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

And said Bill, SB 13, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), and Waggoner
-25

Nays: - 0

Senator Corbett then requested and received permission to suspend the Rules in order to bring up the Bill:

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

And said Bill, SB 15, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett,
deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale,
Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons,
Smith (B), and Waggoner -25

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 5. MOURNING THE DEATH OF BILLY ATKINS.

Also:

SJR 6. COMMENDING HOMEWOOD MAYOR ROBERT G. WALDROP FOR 24 YEARS OF LEADERSHIP.

Also:

SJR 7. MOURNING THE DEATH OF JERRY SHREVE FARROW.

Also:

SJR 8. MOURNING THE DEATH OF JOHN CASIMIR PIERZALA OF HUNTSVILLE, ALABAMA.

CRUM FOSHEE,
Deputy Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

APPOINTMENT OF STANDING COMMITTEE ON RULES

September 22, 1992

The Honorable Don Hale
State Senator
Alabama State House, Room 737
Montgomery, Alabama 36130

Dear Don:

As you are aware, Senator Jim Preuitt has recently resigned from the State Senate, creating a vacancy in the position of Chairman of the Senate Rules Committee. It is with great confidence in your abilities that I appoint you to fill that vacancy.

I look forward to working with you in this position.

With warmest personal regards, I remain

Sincerely,

JIM FOLSOM, JR.
Lieutenant Governor.

The foregoing appointment was read and ordered filed with the Secretary.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 9. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters for the third legislative day of the 1992 Second Special Session only:

	Page
S. 51	11
Split sentencing, restrictions removed, Sec. 15-18-8 am'd.	
S. 2	5
Criminal Justice System Council on Crime and Punishment, estab., Secs. 41-9-570 through 41-9-574 repealed	

S. 6	5
Habitual Offender Act, elderly removed from applicability, Sec. 13A-5-9 am'd.	
S. 16	6
Controlled substances, sale of within one-half mile of housing project, prohib., Sec. 13A-12-270 am'd.	
S. 20	6
Corrections Dept., auth. to withhold up to 40 percent of prisoner's earnings to cover confinement costs, Sec. 14-8-6 am'd.	
S. 21	7
Probation violation, ct. may affirm, amend, or revoke terms and modify sentence period, Sec. 15-22-54 am'd.	
S. 23	8
Drugs, sale within 3 miles of a school, college or educational institution, additional penalty	
S. 25	9
Habitual offenders, range of sentences, review of certain sentences to life without parole	
S. 26	9
Theft of property in second and third degrees, classifying value increased, shoplifting value distinction deleted	
S. 50	10
Inmates convicted of selling controlled substances, may be considered for SIR program, Sec. 15-18-113 am'd.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 51. To amend Section 15-18-8, Code of Alabama 1975, relating to split sentencing imposed by judges upon certain defendants, to remove certain restrictions on when split sentencing is available.

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And said Bill, SB 51, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 4

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -20

Nays:

Senators:

Corbett, Lipscomb, Parsons, and Windom - 4

THE BILL:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 2, to-wit:

AMENDMENT TO SB 2

Amend Senate Bill No. 2 Page 2 Line 18, as follows:

Delete the word "and" after the semicolon (;)

On line 19, delete the period (.) after the word Association and insert in lieu thereof a semicolon (;). After the semicolon (;) insert the words

"and the President of the Alabama Trial Lawyers Association."

Which was adopted.

Yeas 16 Nays 7

Yeas:

Senators:

Amari, Bennett, Bolling, Corbett, Denton, Ellis, Floyd, Foshee, Ghee,

Hale, Horn, Langford, Lindsey, Little, Parsons, and Sanders -16

Nays:

Senators:

Bedsole, deGraffenried, Dial, Dixon, Lipscomb, Owens, and Smith (B) - 7

Senator Dixon offered the following amendment to the Bill, SB 2, as amended, to-wit:

AMENDMENT TO SB 2, AS AMENDED

Amendment to S. 2, as amended, as follows:

On page 4, line 23, delete Section 7 in its entirety and insert in lieu thereof the following:

Section 7. The Legislature of Alabama shall not fund or provide office personnel for the Alabama Criminal Justice System Council on Crime and Punishment. The council may accept grants or other assistance to pay the expenses of the members and all other expenses, including compensation of any persons, secretaries, experts, and consultants as directed by the chair with approval of the council.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), and Smith (J) -20

Nays:

- 0

And said Bill, SB 2, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 1

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), and Windom -23

Nay: Senator Bedsole

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 6. To amend Section 13A-5-9, Code of Alabama 1975, the Alabama Habitual Felony Offender Act, which imposes mandatory increased penalties upon certain criminal defendants who have committed repeated felonies, to allow the judge who imposed the sentence to grant probation if the defendant has served at least 10 years of the sentence and if the defendant is 65 years of age or older.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 4

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -19

Nays:

Senators:

Amari, Little, Parsons, and Smith (J) - 4

THE BILL:

S. 16. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 5

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Owens, Sanders, Smith (B), and Waggoner -19

Nays:

Senators:

Amari, Lipscomb, Parsons, Smith (J), and Windom - 5

THE BILL:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975,

to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -24

Nays:

- 0

THE BILL:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

was taken up.

Senator Lindsey offered the following amendment to the Bill, SB 21, to-wit:

AMENDMENT TO SB 21

Amendment to S. 21 as follows:

On page 2, line 7 after the word "exceed" delete "five" and insert in lieu thereof the following:

fifteen

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -23

Nays:

- 0

And said Bill, SB 21, as thus amended, was read a third time at

length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 17 Nays 6

Yeas:

Senators:

Bailey, Bedsole, Bennett, Corbett, deGraffenried, Dixon, Ellis, Floyd, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, and Waggoner -17

Nays:

Senators:

Amari, Bolling, Lipscomb, Parsons, Smith (J), and Windom - 6

BILLS ON THIRD READING RESUMED

THE BILL:

S. 23. To repeal Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

was taken up.

Senator Parsons offered the following substitute for the Bill, SB 23, to-wit:

SUBSTITUTE FOR SB 23

A BILL TO BE ENTITLED AN ACT

To amend Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-12-250 of the Code of Alabama 1975, is amended to read as follows:

"§13A-12-250.

"In addition to any penalties heretofore or hereafter provided by law for any person convicted of an unlawful sale of a controlled sub-

stance, there is hereby imposed a penalty of five years incarceration in a state corrections facility with no provision for probation if the situs of such unlawful sale was on the campus or within a ~~three-mile~~ 300-foot radius of the campus boundaries of any public or private school, college, university or other educational institution in this state."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, and Smith (J) -19

Nays:

Senators:

Langford and Little

- 2

On motion of Senator Lindsey, the Rules were suspended and further consideration of the Bill, SB 23, as amended by the substitute, was postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

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Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

DON HALE,
Chairperson.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

was taken up.

RECESS

At 12:50 P.M., on motion of Senator Dixon, the Senate took a recess until 1:30 P.M.

At 1:30 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 25

The Senate proceeded to further consideration of the Bill, SB 25.

Senator Sanders offered the following amendment to the Bill, SB 25, to-wit:

AMENDMENT TO SB 25

On page 3, lines 28 and 31, after the word "any" insert the following: substantial

Which was adopted.

Yeas 14 Nays 2
Abstaining 2

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon,

Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, and Waggoner -14

Nays:

Senators:

Amari and Dial - 2

Abstaining:

Senators:

Parsons and Windom - 2

On motion of Senator Dixon, the Senate reconsidered the vote by which the Sanders amendment was adopted.

On motion of Senator Sanders, said amendment was laid on the table.

Senator Sanders then offered the following amendment No. 2 to the Bill, SB 25, to-wit:

AMENDMENT NO. 2 TO SB 25

Amend SB 25 on Page 4, after section 1 part (5) ending on line 6, as follows: (6) no felony conviction shall be considered for Habitual Offender purposes or enhancement for which the criminal defendant has completed serving his sentence and more than 10 years has passed since completion of sentence.

Then renumbering the lines accordingly.

Which was lost.

Yeas 4 Nays 15

Yeas:

Senators:

Bennett, Floyd, Lindsey, and Sanders - 4

Nays:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ghee, Hale, Lipscomb, Mitchell, Owens, Parsons, Waggoner, and Windom -15

And said Bill, SB 25, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 14 Nays 11

Yeas:

Senators:

Bailey, Bedsole, Bennett, deGraffenried, Denton, Ellis, Floyd, Hale,

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Lindsey, Mitchell, Mitchem, Owens, Sanders, and Waggoner -14

Nays:

Senators:

Amari, Bolling, Corbett, Dial, Dixon, Ghee, Lipscomb, Little, Parsons,
Smith (J), and Windom -11

BILLS ON THIRD READING RESUMED

THE BILL:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 14 Nays 10

Yeas:

Senators:

Bailey, Bedsole, Bennett, Corbett, deGraffenried, Floyd, Ghee, Hale,
Horn, Langford, Lindsey, Little, Mitchem, and Parsons -14

Nays:

Senators:

Amari, Bolling, Dixon, Ellis, Lipscomb, Mitchell, Owens, Sanders,
Smith (J), and Windom -10

THE BILL:

S. 50. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

was taken up.

Senator Bailey offered the following amendment to the Bill, SB 50, to-wit:

AMENDMENT TO SB 50

On page 2, line 12, delete the word "~~ever~~" and insert in lieu thereof the following:

ever

On page 2, line 14, after the comma following the words, "sodomy in the first degree" insert the following:

shall be eligible for community reintegration under the supervised intensive restitution program,

On page 2, line 14, before the word "arson" insert the following:

and no inmate who has been convicted of

Which was adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Little, Mitchell, Owens, Smith (B), Smith (J), and Windom -17

Nay: Senator Sanders

- 1

And said Bill, SB 50, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 13 Nays 12

Yeas:

Senators:

Bailey, Bennett, deGraffenried, Floyd, Ghee, Horn, Langford, Lindsey, Mitchem, Owens, Sanders, Smith (B), and Waggoner -13

Nays:

Senators:

Amari, Bolling, Corbett, Dial, Dixon, Ellis, Lipscomb, Little, Mitchell, Parsons, Smith (J), and Windom -12

BILLS ON THIRD READING RESUMED

Senator Horn requested and received permission to suspend the Rules in order to bring up the Bill:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive surplus passenger automobiles without charge.

Senator Horn offered the following substitute for the Bill, SB 42, to-wit:

SUBSTITUTE FOR SB 42

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-16-120, Code of Alabama 1975, is hereby amended to read as follows:

"§41-16-120.

(a) The director of the department of economic and community affairs shall be responsible for the distribution, transfer, or disposal of all surplus personal property owned by the state and all right, title, interest, and equity in said property shall be transferred to said department for such purpose. The director may delegate to the chief of the surplus property division such supervision and control of the distribution or disposal of the aforementioned state owned surplus personal property.

(b) As used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **DIVISION.** Surplus property division of the department of economic and community affairs.

(2) **SURPLUS PROPERTY.** That property declared by the personal property management coordinator of each state department, bureau, board, commission or agency to be surplus and so designated in writing to the chief of the division. All real property owned by any state department, bureau, board, commission, agency or institution, and any subdivision thereof; including, but not limited to, real property owned by any state college, university, two-year college, technical school, or other postsecondary institution of higher learning shall be handled in the manner provided in section 41-4-33, or such other provisions of law as may be appropriate but in no circumstance shall any law regarding real

property acquired, owned or disposed of by the state or any subdivision thereof be amended, substituted or in other manner altered by this article.

(3) **ELIGIBLE AGENCY.** Any city, county, board of education, volunteer fire department, civil defense agency or state department, board, bureau, commission or agency that is not found to be in violation of division rules and regulations during the 12 months immediately preceding the intended purchase.

(4) **COORDINATOR.** That officer or employee who shall be designated by the head of each department, board, bureau, commission, institution, corporation or agency of the state, in writing, to the division, to be the personal property management coordinator.

(c) The coordinator shall report to the surplus property division of the department of economic and community affairs any personal property declared surplus by his department, board, bureau, commission, institution, corporation, or agency and deliver said property to any place designated by the division to be the proper place for such delivery.

(d) The division shall be authorized to promulgate such administrative rules and regulations as deemed necessary including, but not limited to:

- (1) Promotion of surplus property;
- (2) Shipment of surplus property;
- (3) Storage of surplus property;
- (4) Length of retention of surplus property;
- (5) Public auction of surplus property;

(6) Such other rules and regulations as, from time to time, may be determined to be necessary.

(e) The division shall have authority to sell surplus property at fair market value, as established by the division and set out in its published rules, to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies and state departments, boards, bureaus, commissions, or agencies. Payment for purchases by any of the abovementioned entities shall be made within 30 days after such purchase. If payment is not made within 30 days after a

purchase, then such purchase shall be declared void and in default, and the property shall be returned immediately by the defaulting purchaser to the division.

Notwithstanding any other law to the contrary, the executive director of the Board of Pardons and Paroles is authorized to have first preference to inspect and to claim under this provision, up to three hundred surplus state passenger vehicles, for reassignment to the Board, solely by paying to the surplus property division the appropriate administrative and handling service charge. The division shall provide written notice to the executive director upon receiving surplus passenger vehicles from state agencies. The executive director shall have seven working days to conduct his inspection and to submit his notice of claim for reassignment, on a form prescribed by the division.

Provided, however, the governing body of any municipality with a population of less than 5,000 shall be given preference on the disposal of all surplus motor vehicles owned by the state of Alabama except those surplus passenger vehicles claimed by and reassigned to the Board of Pardons and Paroles under the preceding paragraph and those motor vehicles transferred to other state agencies.

Said municipalities shall notify the division, in writing, of type motor vehicle needed. A list shall be maintained by the division of such needs on a first come, first served basis and will be used to notify the municipalities when needed vehicles become available. Any municipality so notified shall have seven work days in which to reply to the notice and accept or refuse the available vehicle.

(f) Any nonprofit corporation which is authorized to purchase federal surplus property shall be authorized to purchase state surplus property under this section provided the corporation complies with all federal laws, regulations and guidelines regarding the purchase of surplus federal property."

Section 2. All laws or parts of laws that conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon,

Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -24

Nays: - 0

Senator Horn then offered the following amendment to the Bill, SB 42, as amended by the substitute, to-wit:

AMENDMENT TO SB 42, AS AMENDED

Amend SB 42, as amended, on page 4, line 17 by striking the word "soley" and insert in lieu thereof the word "solely".

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -24

Nays: - 0

On motion of Senator Ellis, the Rules were suspended and further consideration of the Bill, SB 42, as amended by the substitute, as amended, was postponed subject to the call of the Chair.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Corbett:

S. 86. To amend sections 40-23-36 and 40-23-77, Code of Alabama 1975, to provide that any additional revenue derived from the reduction or from the suspension of the discounts allowed to sellers or vendors who make payments of the taxes imposed by sections 40-23-1 through 40-23-38 and 40-23-60 through 40-23-88 before delinquency be distributed to the State General Fund.

Committee on Economic Affairs

By Senator Bailey:

S. 87. To amend Section 27-44-3, Code of Alabama 1975,

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relating to the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association, to restrict the coverage by the association to residents of the State of Alabama except as specified herein.

Committee on Banking
and Insurance

By Senator Denton:

S. 88. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university and authorizing the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

Committee on Governmental
Affairs/Local Government

By Senator Denton:

S. 89. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by certain state institutions of higher learning.

Committee on Finance
and Taxation

By Senator Hale:

S. 90. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as contained in the 1991 Cumulative Supplement to certain volumes of the Code and in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code; and to make corrections in certain volumes of the cumulative supplement and the 1991 Replacement Volume 18.

Committee on Constitution
and Elections

By Senator Parsons:

S. 91. To provide for certain rights of law enforcement officers relative to due process during certain disciplinary investigations of the officers.

Committee on Judiciary/Civil

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 83. Relating to the state Merit System; to provide for credit to be given for experience, and knowledge gained in the unclassified service in the same, similar, or a substantially similar position in state service.

By Senator Lindsey:

S. 84. To amend Section 36-27-50 of the Code of Alabama 1975, to provide for the coverage of certain state employees by the state employees' retirement system at the option of the employee.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee:

S. 56. To codify the law regarding devolution of an estate at death and provide restrictions; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, and 43-2-316, Code of Alabama 1975; and to provide for an effective date.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 80. To amend Section 9-11-417 of the Code of Alabama

1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

By Senator Dial:

S. 82. To amend Section 32-6-150 of the Code of Alabama 1975, as amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, relating to the issuance of Atomic Veterans NUKED Commemorative tags and environmental tags to provide further for the period of the veteran tags and the cost of those tags.

RESOLUTIONS

Senators Bedsole and Windom offered the following Senate Joint Resolution, to-wit:

SJR 10. MOURNING THE DEATH OF STEPHENS GAILLARD CROOM OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow that the Alabama Legislature records the death of Stephens Gaillard Croom of Mobile, Alabama, on September 21, 1992, at the age of 86 years; and

WHEREAS, a native and lifelong resident of Mobile, and one of that city's most prominent citizens, Mr. Croom was honored as Mobilian of the Year in 1976 in recognition of his numerous and notable contributions to his community; and

WHEREAS, Mr. Croom, a graduate of University Military School and recipient of the school's 1991 Wright Alumni Association Award for Outstanding Alumni, was a graduate also of Auburn University and earned a master's degree from Harvard University; and

WHEREAS, a retired insurance executive, who was a member and past president of both the Mobile and Alabama Independent Insurance Agents associations, was selected by the state organization as Insuror of the Year, and was named Boss of the Year by Insurance Women of Mobile; and

WHEREAS, Mr. Croom, in lifelong service to the City of Mobile and the State of Alabama, provided support and leadership in numerous areas of civic and community concern, including the Mobile Chamber of Commerce, Azalea Trail, Friends of the Mobile Library, United Fund, the Museum of the City of Mobile, Alabama Historical Commission, and the Battleship Commission, among countless other endeavors; and

WHEREAS, Stephens Croom was indeed a much beloved and public-spirited citizen whose lamentable death has left an unfathomable void in the life of the community, and in the hearts of his family and all those whose lives he touched in genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Stephens Gaillard Croom of Mobile, Alabama, and extend our very deepest and heartfelt sympathy to his wife, Mrs. Velma Lassiter Croom; his two grandchildren; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

SJR 11. RELATIVE TO MEETING DAYS.

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that when the two houses adjourn today they agree to convene again on Thursday, Sept. 24 and when they adjourn on Thursday they agree to convene again on Tuesday, Sept. 29.

Senator Foshee offered the following substitute for the Resolution, SJR 11, to-wit:

SUBSTITUTE FOR SJR 11

SJR 11. RELATIVE TO MEETING DAYS.

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that when the two houses adjourn today they agree to convene again on Thursday, Sept. 24 and when they adjourn on Thursday they agree to convene again on Friday, Sept. 25.

On motion of Senator Mitchem, said substitute was laid on the table.

Yeas 16 Nays 11

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, deGraffenried, Dial, Ellis, Floyd,

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Ghee, Hale, Lindsey, Mitchem, Owens, Smith (B), Smith (J), and Waggoner -16

Nays:

Senators:

Bedsole, Denton, Dixon, Foshee, Horn, Langford, Lipscomb, Little, Mitchell, Sanders, and Windom -11

Senator Windom offered the following substitute for the Resolution, SJR 11, to-wit:

SUBSTITUTE FOR SJR 11

SJR 11. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Wednesday, September 23, 1992, they adjourn to meet again on Thursday, September 24, 1992; and when they adjourn on Thursday, September 24, 1992, they adjourn to meet again on Friday, September 25, 1992, and when they adjourn Friday, September 25, 1992, they adjourn Sine Die.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 21 Nays 8

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Langford, Lindsey, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Wilson -21

Nays:

Senators:

Corbett, Dixon, Foshee, Horn, Lipscomb, Little, Sanders, and Windom - 8

Senator deGraffenried then offered the following substitute for the Resolution, SJR 11, to-wit:

SUBSTITUTE FOR SJR 11

SJR 11. RELATIVE TO MEETING DAYS.

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that when the two houses adjourn today they agree to con-

vene again on Thursday, Sept. 24.

Which was adopted.

And on motion of Senator deGraffenried, the Rules were suspended and the Resolution, SJR 11, as amended by the substitute, was adopted by the Senate.

RESOLUTION

Senators Bennett and Horn offered the following Senate Joint Resolution, to-wit:

SJR 12. COMMENDING JEWELL THOMAS ON EIGHT YEARS OF LEADERSHIP AS MAYOR OF THE CITY OF BRIGHTON.

WHEREAS, Jewell Thomas will officially retire October 4, 1992 as Mayor of Brighton after two terms in office; and

WHEREAS, during her eight years as mayor, the City of Brighton moved forward on numerous fronts including the payoff of \$963,000.00 in city sewer debt, and \$350,000.00 in road bonds; and

WHEREAS, Mayor Thomas was also instrumental in the creation of a planning and zoning board, a municipal court and the reorganization of the city police department; and

WHEREAS, Mayor Thomas has also been active in economic expansion playing a key role in location of H and H Production Company and a new McDonald's restaurant; and

WHEREAS, achievements of her administration also include senior citizens and youth programs including NYPS youth activities, Meals on Wheels project, and the participation of over 400 citizens in the USDA Commodities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mayor Jewell Thomas is hereby commended for eight years of outstanding leadership for the City of Brighton.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Thomas with the Legislature's gratitude and best wishes for the future.

On motion of Senator Bennett, the Rules were suspended and the

Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Newton (C) (With Notice and Proof):

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Newton (C) (With Notice and Proof):

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 43, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 57, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 7, 38, 43, and 57 - to the Committee on Local Legislation
No. 1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 50. To amend Section 15-18-113 of the Code of Alabama

1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan (With Notice and Proof):

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 92, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 92 and 100 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman (With Notice and Proof):

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 2, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Hawkins and Biddle (With Notice and Proof):

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 5, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 2 - to the Committee on Local Legislation No. 1

HB 5 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gullatt (With Notice and Proof):

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Escott-Russell, Newton (D), and McClain (With Notice and Proof):

H. 81. To authorize Class 1 municipalities and their agencies, which are governed by boards with their members appointed by officials

of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 81, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 66 - to the Committee on Local Legislation No. 1

HB 81 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan (With Notice and Proof):

H. 91. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 91, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 91 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Venable and Mikell:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 63 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Penry and McMillan (With Notice and Proof):

H. 93. Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the

county commission to adopt and enforce, regulations for the moving or demolition, with the written permission of the property owner, and at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 93, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 93 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

HJR 61. RECOGNIZING WILLIE J. CARNES OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the

Resolution, HJR 61, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Freeman, Haney, Sanderford, Hall, and Carter:

HJR 45. COMMENDING THE HUNTSVILLE DIVISION OF THE U.S. ARMY CORPS OF ENGINEERS.

Also:

By Rep. Mathis:

HJR 52. COMMENDING MR. AND MRS. MELVIN ROY REEDER ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Mathis:

HJR 53. COMMENDING MRS. EUNA FAYE WISE UPON HER NOMINATION FOR THE FIRST JOHN F. KENNEDY PROFILE IN COURAGE AWARD.

Also:

By Reps. McMillan and Penry:

HJR 54. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolutions, HJR's 45, 52, and 53 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Dial, the Rules were suspended and the

Resolution, HJR 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

HJR 55. COMMENDING JOHN FOSTER OF FOLEY, ALABAMA, AS FREE ENTERPRISE PERSON FOR 1992.

Also:

By Rep. McKee:

HJR 56. COMMENDING RETIRED CHIEF INVESTIGATOR WILLIAM T. SHERIFF, SR. OF MONTGOMERY, ALABAMA.

Also:

By Rep. Gaston:

HJR 59. COMMENDING CHARLIE GRANADE OF MOBILE, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolutions, HJR's 55, 56, and 59, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Buskey (JE) and Kennedy:

HJR 27. MOURNING THE DEATH OF WILSON A. MITCHELL OF MOBILE, ALABAMA.

Also:

By Rep. Butler:

HJR 28. COMMENDING CHRISTINE RAY RICHARD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Rep. Cosby:

HJR 29. COMMENDING THE MATH TEAM OF MORGAN ACADEMY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Cosby:

HJR 30. COMMENDING THE MATH TEAM OF MEADOW-VIEW CHRISTIAN OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the Resolutions, HJR's 27, 28, 29, and 30, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gaston:

HJR 35. COMMENDING PERRY JAMES OUTLAW FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the Resolution, HJR 35, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 31. COMMENDING HAROLD FREDERICK BARTON FOR DISTINGUISHED SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1963-1992.

Also:

By Rep. Hammett:

HJR 32. NAMING "VETERANS MEMORIAL PARKWAY" IN OPP, ALABAMA.

Also:

By Reps. Venable, Mikell, and Clay:

HJR 33. NAMING "TUKABATCHEE ROAD" IN ELMORE COUNTY AND MACON COUNTY, ALABAMA.

Also:

By Rep. Gaston:

HJR 34. MOURNING THE DEATH OF BARRY MAXWELL CLARK, A VALIANT AMERICAN PATRIOT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the

Resolutions, HJR's 31, 32, 33, and 34, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

HJR 7. COMMENDING VICTOR GUARISCO FOR DISTINGUISHED SERVICE TO THE CITY OF DAPHNE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the Resolution, HJR 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as committee on the part of the

House, Reps. Haney, Morton, and Smith (R).

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the Resolution, HJR 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Dixon, Bolling, and Ellis.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Hooper, Harper, and Morrow:

HJR 5. ESTABLISHING A RECYCLING INDUSTRY AND MARKET DEVELOPMENT COUNCIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established a Recycling Industry and Market Development Council to assist in the development of markets in this state for recovered materials and products with recycled content.

The members of the council shall be appointed not later than 90 days after this act is effective.

The council shall consist of fifteen appointed members, as follows:

(1) One member representing the paper industry appointed by the Speaker of the House of Representatives.

(2) One member representing the oil industry appointed by the Speaker of the House of Representatives.

(3) One member representing county governments appointed by the Speaker of the House of Representatives.

(4) One member representing the steel can and steel scrap re-

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cycling industry appointed by the Speaker of the House of Representatives.

(5) One member representing the solid waste collection and disposal industry appointed by the Governor.

(6) One member representing the aluminum industry appointed by the Governor.

(7) One member representing the plastics industry appointed by the Governor.

(8) One member representing the tire industry appointed by the Governor.

(9) One member representing the recycling industry appointed by the Lieutenant Governor.

(10) One member representing municipalities appointed by the Lieutenant Governor.

(11) One member representing the glass industry appointed by the Lieutenant Governor.

(12) One member representing the hazardous waste recycling industry appointed by the Lieutenant Governor.

(13) One member representing higher education research institutions appointed by the Executive Officer of the Alabama Commission on Higher Education.

(14) One member representing the general public appointed by the Chair of the House Standing Committee on Commerce, Transportation, and Utilities.

(15) One member representing the general public appointed by the Chair of the Senate Standing Committee on Commerce, Transportation and Utilities.

Each member of the council shall serve a six-year term beginning on the date of appointment and until a successor is qualified and appointed.

The council shall select a chair and vice-chair. The council shall adopt operating procedures and meet on the call of the chair or of a majority of the members. A majority of the members shall constitute a quorum to do business.

The council may apply for and receive grants, contributions, or donations from any source, including the state and federal government, in order to carry out the duties and responsibilities of the council as provided in this act.

Not later than the first day of the next regular session of the Alabama Legislature following the appointment of the council, the council shall provide to the Governor and to the Legislature an initial report which, at a minimum, shall include:

- (1) A description and analysis of this state's existing recycling industry.
- (2) An analysis of the projected long-term capacity of existing markets to absorb materials generated by source separation, recovery, or recycling programs.
- (3) An analysis of potential markets in this state, in other states, or in foreign countries for recovered materials and products with recycled content from this state.
- (4) An analysis of institutional, economic, and technical barriers to the use of recovered materials and products with recycled content.
- (5) Recommendations for actions which may be taken to increase demand for source separated, recovered, or recycled materials or products.
- (6) Recommendations for actions which may be taken to increase the incentives for private individuals and for business and industry to consume or export recovered materials and products with recycled content.
- (7) An analysis of the compatibility of recycling with waste treatment or disposal methods and recommendations on the feasibility of the implementation of mechanisms for cooperative marketing for recyclable materials.
- (8) Recommendations on categories of materials which should be recovered, given existing and potential markets for those materials.
- (9) A study of methods and cost effectiveness of source separation and recycling of recovered materials.
- (10) A study of packaging reduction.
- (11) A study of the design of products at the primary stage of de-

velopment to promote recyclability.

Following its initial report, the council shall submit to the Governor and to the Legislature by the end of each calendar year an annual report on recycling activities in this state which, at a minimum, shall include:

(1) Revisions which the council determines necessary to its initial report.

(2) A description and analysis of the amounts and types of waste materials recovered or recycled in this state during the preceding year.

(3) Recommendations regarding materials which should be added or deleted from source separation, recovery, and recycling programs.

(4) Any other recommendation, including tax incentives, to facilitate the development of markets for recovered materials or products in this state.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 46. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint legislative committee is created to study the development of markets in this state for

recovered materials and products with recycled content, and the feasibility of offering tax incentives, governmental assistance, and other types of aid to facilitate the development of the markets. The committee shall be composed of four members of the Senate appointed by the President of the Senate and four members of the House of Representatives appointed by the Speaker of the House of Representatives. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide clerical assistance necessary for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1993 Regular Session, at which time the committee shall be dissolved. Each member of the committee shall serve without receiving any additional compensation. All state agencies and departments shall assist the committee, including, but not limited to, the Alabama Development Office and the Department of Environmental Management.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 46, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F),

Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 36. EXPRESSING SUPPORT FOR UNITED STATES SENATE BILL 1002, MAKING IT A FEDERAL CRIME TO LEAVE OR REMAIN OUTSIDE A STATE FOR THE PURPOSE OF AVOIDING PAYMENT OF ARREARAGE IN CHILD SUPPORT.

WHEREAS, United States Senator Richard Shelby of this state has filed U.S. Senate Bill 1002 to amend the Federal Criminal Code to make it a federal criminal offense to leave or remain outside a state for the purpose of avoiding payment of arrearages in child support; and

WHEREAS, the Alabama Legislature recognizes that the minor children of the State of Alabama have experienced undue hardships in cases where the non-custodial parent has left or remained outside the state for the purpose of avoiding payment of child support; and

WHEREAS, the Alabama Legislature notes that U.S. Senate Bill 1002, if passed, will provide an effective tool to combat this problem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do express support for U.S. Senate Bill 1002 and urge its swift passage.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Shelby and all members of the Alabama congressional delegation so that they may know of our support of this bill.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 36, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper and Cosby:

HJR 51. INVITING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE REGARDING UNFUNDED FEDERAL MANDATES.

WHEREAS, the number of unfunded federal mandates imposed upon the states by the United States Congress has alarmingly increased in recent years; and

WHEREAS, this continuing imposition places Alabama and her sister states in the precarious position of either attempting to fund the federal requirements with diminishing amounts of available revenue or jeopardizing eligibility for certain federal funds; and

WHEREAS, states and the United States Congress should engage in earnest discussions regarding the difficult posture in which the states have been cast and the urgent necessity of the states to receive monetary assistance for these mandates or relief from the enforcement of these unfunded decrees; and

WHEREAS, the members of the Legislature of Alabama desire to personally communicate with the Alabama Delegation to the United States Congress concerning this critical problem so that our representatives may be completely cognizant of the effect the actions of the federal government have at the state legislative level and may be more sensitive to the difficulties unfunded federal mandates create; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all members of the Alabama Delegation to the United States Congress are respectfully requested to appear before a joint session of the Legislature of Alabama to discuss the problems related to unfunded federal mandates.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives, by copy of this resolution, advise each member of the Alabama Congressional Delegation of this invitation and of our hopeful anticipation of their acceptance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the

Resolution, HJR 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 3. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:00 P.M. on September 21, 1992, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed as a committee on the part of the House, Reps. Haney, Morton, and Smith (R).

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Rules were suspended and the Resolution, HJR 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Lipscomb, Waggoner, and Amari.

RESOLUTIONS

Senators Sanders and Lindsey offered the following Senate Joint Resolution, to-wit:

SJR 13. MOURNING THE DEATH OF ESTELL EZELL, JR., OF LISMAN, ALABAMA.

WHEREAS, the Legislature of Alabama, with profound sorrow and regret, records the lamentable death of Estell Ezell, Jr., of Lisman, Alabama, on September 19, 1992, at the age of 63 years; and

WHEREAS, Mr. Ezell earned his B.S. degree and A.A. certification from Alabama A&M University, and a Master's degree from Tuskegee University and, for forty-three years, served with the Choctaw County Board of Education as a teacher and assistant principal and, at the time of his death, as director of Tom Orr Area Vocational Center; and

WHEREAS, among innumerable religious, civic and educational involvements, Mr. Ezell was a faithful member of Shiloh Church, where he served in such positions as Chairman of the Steward and Trustee Boards, Class Leader, and Sunday School Teacher; he also was an active member of the Shriners, Knights Templar, Royal Arch Masons and Heroines of Jericho, among numerous other professional organizations and affiliations, and was co-owner and Vice President of Weatherly Funeral Services, Inc.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Estell Ezell, Jr., of Lisman, Alabama, and extend our deepest and most heartfelt sympathy to his wife, Bertha R. Ezell; daughters, Rita Woods, Emogene Freeman, and Michelle Wigfall; to his six grandchildren, Angela, Demetria, Wayde, Jr., Tarrah, Loretta and Monquelle; and to other family members for whom a copy of this resolution shall be provided.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Resolution, to-wit:

SR 14. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the third legislative day of the 1992 Second Special Session only:

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S. 24

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Motor vehicles, dropping or spilling load operation so as to litter, criminal penalties, exemption of vehicles used for farm deliveries, Sec. 32-5-76 am'd.

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Stalking and aggravated stalking, punishment provided	
S. 52	11
Garnishment, garnishee may make payment to court at any time, Sec. 6-10-7 am'd.	
S. 46	25
Sickle cell education program, approp.	
S. 43	24
Military department, approp.	
S. 4	20
Administrative Office of Courts, supp. approp.	
S. 38	22
Administrative Office of Courts, supp. approp.	
S. 49	27
Alabama Symphony, approp.	
S. 47	26
Mining Academy, supp. approp.	
S. 73	28
Emergency medical services, approp.	
S. 18	12
Emergency telephone service, exemption for Class 1 and Class 3 muns. removed, Secs. 11-98-1, 11-98-5 am'd.	
S. 34	20
Motor fuels, distributor or storer of diesel fuel not liable for excise tax if an exemption certificate is on file, excise tax must be paid on motor fuel for motor vehicles to be operated lawfully on hwys, Secs. 40-17-1, 40-17-11 am'd.	
S. 19	2
Tour buses, registration with Public Service Comm. and identification marker or trip permit from Revenue Dept. by single payment to Tourism and Travel Dept., exempt from motor carrier mileage tax, Secs. 37-3-32, 40-17-50, 40-19-1, 40-19-2 am'd.	
S. 35	2
State capitol police, control of placed under Legislative	

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Council, Secs. 41-4-180, 41-4-182, 41-4-184, 41-4-185 am'd.

S. 53 4
Uniform commercial code, leases incl., personal prop.,
Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.

S. 54 3
Uniform Commercial Code, Art. 4A-Funds Transfers
adopted, Sec. 7-1-105 am'd.

S. 57 28
Forensic sciences department, supplemental appropriation

S. 36 21
Archives and History Dept., powers, duties, and authority
over cert. st. prop., Secs. 36-16-8, 41-6-10 am'd.

Senator Bailey offered the following substitute for the Resolution,
SR 14, to-wit:

SUBSTITUTE FOR SR 14

SR 14. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the
order named shall be the paramount and continuing order of business
taking precedence over all other matters for the third legislative day of
the 1992 Second Special Session only:

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S. 24 Motor vehicles, dropping or spilling load operation so as to litter, criminal penalties, exemption of vehicles used for farm deliveries, Sec. 32-5-76 am'd.	8
S. 22 Stalking and aggravated stalking, punishment provided	7
S. 52 Garnishment, garnishee may make payment to court at any time, Sec. 6-10-7 am'd.	11
S. 46 Sickle cell education program, approp.	25
S. 43 Military department, approp.	24

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S. 4	20
Administrative Office of Courts, supp. approp.	
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Administrative Office of Courts, supp. approp.	
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Alabama Symphony, approp.	
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Mining Academy, supp. approp.	
S. 73	28
Emergency medical services, approp.	
S. 57	28
Forensic sciences department, supplemental appropriation	
S. 18	12
Emergency telephone service, exemption for Class 1 and Class 3 muns. removed, Secs. 11-98-1, 11-98-5 am'd.	
S. 34	20
Motor fuels, distributor or storer of diesel fuel not liable for excise tax if an exemption certificate is on file, excise tax must be paid on motor fuel for motor vehicles to be operated lawfully on hwys, Secs. 40-17-1, 40-17-11 am'd.	
S. 19	2
Tour buses, registration with Public Service Comm. and identification marker or trip permit from Revenue Dept. by single payment to Tourism and Travel Dept., exempt from motor carrier mileage tax, Secs. 37-3-32, 40-17-50, 40-19-1, 40-19-2 am'd.	
S. 35	2
State capitol police, control of placed under Legislative Council, Secs. 41-4-180, 41-4-182, 41-4-184, 41-4-185 am'd.	
S. 53	4
Uniform commercial code, leases incl., personal prop., Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.	
S. 54	3
Uniform Commercial Code, Art. 4A-Funds Transfers adopted, Sec. 7-1-105 am'd.	

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Archives and History Dept., powers, duties, and authority over cert. st. prop., Secs. 36-16-8, 41-6-10 am'd.

On motion of Senator Hale, said substitute was laid on the table.

Yeas 14 Nays 7

Yeas:

Senators:

Amari, Bedsole, Bennett, Dial, Dixon, Ellis, Ghee, Hale, Horn, Mitchell, Smith (B), Smith (J), Waggoner, and Windom -14

Nays:

Senators:

Bailey, Corbett, Floyd, Foshee, Langford, Lindsey, and Little - 7

On motion of Senator Hale, the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 24. To amend Section 32-5-76, Code of Alabama 1975, which provides criminal penalties for the operation of a vehicle so that the contents drop or spill out, or so that litter is deposited on the highways, roads, or streets; to exempt the operation of a vehicle while the vehicle is used for the delivery of farm products.

Senator Corbett offered the following substitute for the Bill, SB 24, to-wit:

SUBSTITUTE FOR SB 24**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 32-5-76, Code of Alabama 1975, which provides criminal penalties for the operation of a vehicle so that the contents drop or spill out, or so that litter is deposited on the highways, roads, or streets; to provide that a motor vehicle or vehicle for purposes

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of this section means a motor vehicle having ten wheels or more or a motor vehicle with a trailer with two or more axles attached; and to exempt the operation of a vehicle while the vehicle is used for the delivery of farm products.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5-76 of the Code of Alabama 1975, is amended to read as follows:

"§32-5-76.

"(a) For purposes of this section, 'motor vehicle' or 'vehicle' means a motor vehicle having 10 wheels or more or a motor vehicle with a trailer having two or more axles attached.

~~"(a)~~ (b) Whoever willfully and knowingly operates, owns, or causes to be operated on any public highway, road, street, or public right-of-way a motor vehicle so loaded with gravel, rock, slag, bricks, in ~~such~~ a manner or in ~~such~~ a condition that the contents of the vehicle spill out and causes it to be deposited upon the highway, road, street, or public right-of-way is guilty of a Class C misdemeanor and upon conviction shall be fined not more than ~~\$500.00~~ five hundred dollars (\$500), pursuant to section 13A-7-29, the criminal littering statute.

~~"(b)~~ (c) No vehicle shall be driven or moved on any highway unless ~~such~~ the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining ~~such~~ the roadway.

~~"(c)~~ (d) Whoever willfully and knowingly operates, owns, or causes to be operated on a public highway, road, street, or public right-of-way, a motor vehicle in ~~such~~ the manner or in ~~such~~ the condition that litter is caused or allowed to be deposited upon the highway, road, or street or public right-of-way, is guilty of a Class C misdemeanor, and upon conviction shall be fined not more than ~~\$500.00~~ five hundred dollars (\$500), pursuant to section 13A-7-29, the criminal littering statute.

"(e) This section shall not apply to the operation of a vehicle while the vehicle is used for the delivery of farm products to and from a farm."

Section 2. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Amari, the Rules were suspended and further consideration of the Bill, SB 24, was postponed subject to the call of the Chair.

THE BILL:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

was taken up.

On motion of Senator Bedsole, the Rules were suspended and further consideration of the Bill, SB 22, was postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly engrossed, to-wit:

SJR 11. RELATIVE TO MEETING DAYS.

DON HALE,
Chairperson.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 22 Nays 0
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), and Windom -22

Nays:

- 0

Abstaining: Senator Smith (J)

- 1

THE BILL:

S. 46. To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 3

Yeas:

Senators:

Bailey, Bolling, Corbett, Denton, Dial, Dixon, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Smith (B), Smith (J), and Waggoner -17

Nays:

Senators:

Amari, Ellis, and Floyd

- 3

THE BILL:

S. 43. To make a supplemental appropriation to the Alabama Military Department from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 43, to-wit:

SUBSTITUTE FOR SB 43

**A BILL
TO BE ENTITLED
AN ACT**

To make a supplemental appropriation from the State General

Fund to the Military Department for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the State General Fund to the Military Department the sum of six hundred thousand dollars (\$600,000) for the fiscal year ending September 30, 1993. This appropriation shall be in addition to any and all other funds appropriated to the Military Department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, and Windom -19

Nay: Senator Floyd

- 1

And said Bill, SB 43, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and Smith (J) -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 4. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

was taken up.

Senator Foshee offered the following amendment to the Bill, SB 4, to-wit:

AMENDMENT TO SB 4

On page 1, line 27, after the period insert the following language:

Sentencing judges and district attorneys shall attend at least 12 hours of education annually in the area of alternative punishment. Courses in the area of alternative punishment shall be offered and administered by the Administrative Office of Courts.

Which was adopted.

Yeas 18 Nays 2

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Mitchell, Owens, Parsons, Waggoner, and Windom -18

Nays:

Senators:

Floyd and Little

- 2

Senators Dixon and Foshee offered the following amendment to the Bill, SB 4, as amended, to-wit:

AMENDMENT TO SB 4, AS AMENDED

Amend Senate Bill No. 4, as amended, Page 1 Line 28, as follows:

Section 2

All funds appropriated under the provisions of this act must be utilized for the purpose as stated here-in. All excess funds will automatically revert to the general fund.

Renumber accordingly.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Owens, Parsons, Smith (J), and Windom -19

Nays:

- 0

And said Bill, SB 4, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 16 Nays 3

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Foshee, Ghee, Hale, Horn, Langford, Owens, Parsons, Smith (J), Wilson, and Windom -16

Nays:

Senators:

Bedsole, Floyd, and Little - 3

BILLS ON THIRD READING RESUMED

THE BILL:

S. 38. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 3

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, Denton, Dial, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Owens, Parsons, Smith (J), and Waggoner -17

Nays:

Senators:

Bedsole, Floyd, and Little - 3

FURTHER CONSIDERATION OF SB 24

The Senate proceeded to further consideration of the Bill, SB 24. The question was on the Corbett substitute.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

SECOND EXTRAORDINARY SESSION
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Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 4. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

Also:

S. 43. To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 11. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 14. To amend Section 13A-12-250, Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within a certain distance of a school, college, university, or other educational institution; to further provide for the distance within which the section applies.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 14 - to the Committee on Judiciary/Criminal Justice and
Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 68. To authorize the Alabama Public School and College Authority to sell and issue \$40,900,000 plus underwriting discount and costs of issuance, aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of certain litigation settlement expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds from proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and provide that if any portion of this

Act should be held invalid such holding shall not affect the validity of any other portion thereof.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 68 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

Also:

By Rep. Turnham:

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

Also:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 12. Relating to persons sentenced as habitual offenders; to

amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Also:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 15. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

Also:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 16. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

Also:

By Reps. Box, McDaniel, and McDowell:

H. 17. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

Also:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 18. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

Also:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result

in a net increase in periods of imprisonment in facilities of the department.

Also:

By Rep. Morrow:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

Also:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 13. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

Also:

By Rep. Turner:

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

Also:

By Rep. Harper:

H. 76. To amend section 22-3OB-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-3OB-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section

22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 29, 47, 12, 15, 16, 17, 18, and 13 - to the Committee on
Judiciary/Criminal Justice and Public Safety

HB's 19, 39, 28, and 76 - to the Committee on Finance and
Taxation

FURTHER CONSIDERATION OF SB 24

The Senate proceeded to further consideration of the Bill, SB 24. The question was on the Corbett substitute.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 5

SJR 7

SJR 8

SJR 6

McDOWELL LEE,
Secretary of Senate.

Bailey, Bolling, Hale, Horn, Langford, Lipscomb, Little, Mitchell,
Smith (J), Waggoner, Wilson, and Windom -12

FOURTH LEGISLATIVE DAY
THURSDAY, SEPTEMBER 24, 1992

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Tenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Regina McDade, Bellingrath Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Campbell and Hilliard for today.

RESOLUTION

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

SJR 15. RELATIVE TO MEETING DAYS.

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that when the two houses adjourn today they agree to convene again on Tuesday, Sept. 29.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, September 29, 1992, at 2 o'clock P.M., which motion was adopted.

RECESS

At 11:35 A.M., on motion of Senator deGraffenried, the Senate took a recess until 1 o'clock P.M.

At 1 o'clock P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

HJR 64. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

WHEREAS, it was the intent of the legislature in passing Act 91-657 to give a "distinctive" license plate to any winner of the Purple Heart Medal, and

WHEREAS, the sponsor of the bill displayed the design of the distinctive tag to the other members of the legislature during debate on said act, and

WHEREAS, the State Revenue Department has not begun production of said distinctive plate, and

WHEREAS, the State Revenue Department has indicated they would like to have a clearer indication of legislative intent on this issue,

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That it was the intent of the legislature in passing Act 91-657 that winners of the Purple Heart Medal be issued a distinctive license plate emphasizing that the bearer of said license plate has indeed won the Purple Heart Medal.

BE IT FURTHER RESOLVED, That the State Finance Department and the Department of Corrections use the design that has previously been transmitted to them by the Alabama Chapter, Military Order of the Purple Heart.

BE IT FURTHER RESOLVED, That since most of the recipients of the Purple Heart Medal are now senior citizens, the State Finance Department and the Department of Corrections commence production and distribution of the distinctive tag as soon as is conceivably possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the State Finance Director and the Director of the Department of Corrections.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 64, set out in the foregoing Message from

the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Buskey (JE), and Zoghby:

HJR 66. MOURNING THE DEATH OF MATTIE AUGUSTA WILLIAMS MITCHELL OF MOBILE, ALABAMA.

Also:

By Rep. Williams:

HJR 67. COMMENDING EARL K. HOWARD FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 66 and 67, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 10. MOURNING THE DEATH OF STEPHENS GAILLARD CROOM OF MOBILE, ALABAMA.

Also:

SJR 12. COMMENDING JEWELL THOMAS ON EIGHT YEARS OF LEADERSHIP AS MAYOR OF THE CITY OF BRIGHTON.

Also:

SJR 13. MOURNING THE DEATH OF ESTELL EZELL, JR., OF LISMAN, ALABAMA.

GREG PAPPAS,
Clerk.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 86. To amend sections 40-23-36 and 40-23-77, Code of Alabama 1975, to provide that any additional revenue derived from the reduction or from the suspension of the discounts allowed to sellers or vendors who make payments of the taxes imposed by sections 40-23-1 through 40-23-38 and 40-23-60 through 40-23-88 before delinquency be distributed to the State General Fund.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey:

S. 87. To amend Section 27-44-3, Code of Alabama 1975, relating to the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association, to restrict the coverage by the association to residents of the State of Alabama except as specified herein.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 68. To authorize the Alabama Public School and College Authority to sell and issue \$40,900,000 plus underwriting discount and costs of issuance, aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of certain litigation

settlement expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds from proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

By Senator Bailey:

S. 76. To provide that upon the death of a state employee his or her beneficiary shall be entitled to payment of one-half of the deceased employee's accrued and unused sick leave.

By Rep. Morrow:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

By Rep. Turner:

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

By Rep. Harper:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

S. 8. To provide further for certain sales and use tax exemptions, to amend sections 40-23-1, 40-23-4, and 40-23-62, Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Box, Higginbotham, McDaniel, and McDowell (With Amendment):

H. 14. To amend Section 13A-12-250, Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within a certain distance of a school, college, university, or other educational institution; to further provide for the distance within which the section applies.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 12. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 13. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 15. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 16. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Correc-

tions from the net revenues generated by this act for the fiscal year ending September 30, 1993.

By Reps. Box, McDaniel, and McDowell:

H. 17. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

By Reps. Box, Higginbotham, McDaniel, and McDowell:

H. 18. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

By Rep. Turner:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

By Rep. Turnham:

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 78. To authorize the director of finance to establish a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, related to the board of adjustment to make this new program the exclusive remedy for state employees who are injured while at work.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 88. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university and authorizing the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 90. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as contained in the 1991 Cumulative Supplement to certain volumes of the Code and in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code; and to make corrections in certain volumes of the cumulative supplement and the 1991 Replacement Volume 18.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Holley (With Notice and Proof):

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

By Rep. Newton (C) (With Notice and Proof):

H. 38. Relating to Butler County; providing for the establish-

ment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

By Rep. Newton (C) (With Notice and Proof):

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

By Rep. Hammett (With Notice and Proof):

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

By Reps. Venable and Mikell:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Gullatt (With Notice and Proof):

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

By Reps. Penry and McMillan (With Notice and Proof):

H. 91. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

By Reps. Penry and McMillan (With Notice and Proof):

H. 92. Relating to Baldwin County; providing further for the

compensation of poll workers payable from the county general fund.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Penry and McMillan (With Notice and Proof) (With Amendment):

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Freeman (With Notice and Proof):

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

RESOLUTIONS

Senator Lipscomb offered the following Senate Joint Resolution, to-wit:

SJR 16. MOURNING THE DEATH OF THE REVEREND PAUL WAYNE MARTIN.

WHEREAS, the Reverend Paul Wayne Martin, Pastor of the First

Baptist Church of Fairhope, Alabama, died unexpectedly September 16, 1992, at the age of 51; and

WHEREAS, the Reverend Martin's untimely passing has deeply shocked and saddened his family, friends, associates, and members of the First Baptist Church, as well as the Fairhope community; and

WHEREAS, Reverend Martin was born in Greensboro, Alabama, and lived most of his early life in Sumter County; and

WHEREAS, prior to entering the Baptist ministry, Reverend Martin graduated from Samford University and the Southeastern Baptist Theological Seminary in Wake Forest, North Carolina; he served pastorates at Friendship Baptist Church in Boligee, Alabama; Lisman Baptist Church in Lisman, Alabama; Bayleaf Baptist Church in Raleigh, North Carolina; Brent Baptist Church in Brent, Alabama; and Eastmont Baptist Church in Montgomery, Alabama, before serving First Baptist Church of Fairhope, Alabama, since March 15, 1987; and

WHEREAS, his 32 years' service to the Baptist ministry also included service in numerous capacities with the Alabama Baptist State Convention; teaching at Howard College Extension; speaking for the Alabama Baptist Deacon Retreat; various positions on the Baptist Associational level; Board of Directors of Baptist Medical Center of Montgomery, Alabama; and Chaplain Ministry at Thomas Hospital in Fairhope, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the sudden and tragic death of Reverend Paul Wayne Martin, and praise him for his dedicated service to the Baptist ministry.

BE IT FURTHER RESOLVED, we extend our heartfelt sympathy to his wife, Martha Bell Martin; his daughters, Cheryl Cortinas, Paula Fargarson, and Pamela Martin; his father, Paul F. Martin; and his brother, David Martin; now therefore,

RESOLVED FURTHER, That a copy of this resolution be sent to his family.

On motion of Senator Lipscomb, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Foshee offered the following Senate Joint Resolution, to-wit:

SJR 17. MOURNING THE DEATH OF ANDREW S. FLOYD OF ANDALUSIA, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Andrew S. Floyd of Andalusia, Alabama, on August 26, 1992, at the age of 77 years; and

WHEREAS, although a native of Atlanta, Georgia, Andrew "Andy" Floyd had resided in Andalusia since 1949 when he became manager of the Andalusia Area Chamber of Commerce (AACC), and, in 1990, he was selected as the recipient of the Chamber's 1990 President's Award, in recognition of his many outstanding contributions to the community as chamber manager, and as chairman of the industrial board and a trustee of the industrial park; and

WHEREAS, Andy Floyd, as manager of AACC and in many other capacities, was instrumentally involved in the growth and progress that the Andalusia area has enjoyed for more than four decades, and greatly to his credit are numerous new and expanded businesses and industry throughout the area; and

WHEREAS, Mr. Floyd also was responsible for a number of "firsts" for the City of Andalusia, including the first United Fund Drive, and the first Santa Claus and Christmas lights in downtown Andalusia, which was the first city in the state to use the Wallace-Cater Act for industrial development; and

WHEREAS, the death of Andy Floyd has indeed left an unfathomable void in the life of his community and the State of Alabama, and in the hearts of his family and many friends who are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Andrew S. Floyd of Andalusia, Alabama, and extend deepest sympathy to his wife, Mrs. Edith Floyd; son and daughter-in-law, Thomas and Lois Floyd; to his grandchildren, Bonnie and Jennifer; and other family members, whose sorrow we share and to whom a copy of this resolution shall be forwarded.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Joint Resolution, to-wit:

SJR 18. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

WHEREAS, it was the intent of the legislature in passing Act 91-

657 to give a "distinctive" license plate to any winner of the Purple Heart Medal, and

WHEREAS, the sponsor of the bill displayed the design of the distinctive tag to the other members of the legislature during debate on said act, and

WHEREAS, the State Revenue Department has not begun production of said distinctive plate, and

WHEREAS, the State Revenue Department has indicated they would like to have a clearer indication of legislative intent on this issue,

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That it was the intent of the legislature in passing Act 91-657 that winners of the Purple Heart Medal be issued a distinctive license plate emphasizing that the bearer of said license plate has indeed won the Purple Heart Medal.

BE IT FURTHER RESOLVED, That the State Finance Department and the Department of Corrections use the design that has previously been transmitted to them by the Alabama Chapter, Military Order of the Purple Heart.

BE IT FURTHER RESOLVED, That since most of the recipients of the Purple Heart Medal are now senior citizens, the State Finance Department and the Department of Corrections commence production and distribution of the distinctive tag as soon as is conceivably possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the State Finance Director and the Director of the Department of Corrections.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Resolution, to-wit:

SR 19. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE ALABAMA SUPREME COURT REGARDING HOUSE BILL 68.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief

Justice and Associate Justices of the Supreme Court, or a majority of it, to give this body their written opinion on the following important constitutional question which has arisen concerning the pending bill, House Bill 68, a copy of which is attached to this resolution and made a part hereof by reference.

House Bill 68 as amended by the House of Representatives and is now engrossed and pending in the Senate contains a title which in part states:

"To authorize the Alabama Public School and College Authority to sell and issue \$40,900,000 plus underwriting discount and costs of issuance, aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education"

The legislature was convened in extraordinary session by the Governor as prescribed by Article 5, Section 122 of the Constitution of Alabama, 1901. The Governor of Alabama's proclamation is attached to this resolution and made a part hereof by reference.

The Constitution of Alabama of 1901, Article 4, Section 76 provides as follows:

"When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house. Special sessions shall be limited to thirty days."

House Bill 68 passed by the House of Representatives by a vote of 48 yeas to 47 nays.

1. Does House Bill 68 as engrossed require a two-thirds vote of each House as provided for in Section 76 of the Constitution of 1901, since the subject matter of the bill is not specifically contained in the Governor's proclamation calling the legislature into extraordinary session?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, House Bill 68 as engrossed, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator deGraffenried, the Rules were suspended

and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF SB 22

The Senate proceeded to further consideration of the Bill:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

having been postponed on the Third Legislative Day, was again taken up.

And said Bill, SB 22, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), and Windom -23

Nays:

- 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 20. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1992 Second Special Session only:

S. 18

Emergency telephone service, exemption for Class 1 and Class 3 muns. removed, Secs. 11-98-1, 11-98-5 am'd.

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S. 34

Motor fuels, distributor or storer of diesel fuel not liable for

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excise tax if an exemption certificate is on file, excise tax must be paid on motor fuel for motor vehicles to be operated lawfully on hways, Secs. 40-17-1, 40-17-11 am'd.

S. 57 20
Forensic sciences department, supplemental appropriation

S. 53 4
Uniform commercial code, leases incl., personal prop., Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.

S. 54 4
Uniform Commercial Code, Art. 4A-Funds Transfers adopted, Sec. 7-1-105 am'd.

S. 80 22
Hunting on commercial fowl hunting preserve, seven-day license, Sec. 9-11-417 am'd.

S. 82 23
Atomic Veterans Nuked Tags, period and cost provided, Sec. 32-6-150 am'd. and Act 92-622, 1992 Reg. Sess., am'd.

S. 36 15
Archives and History Dept., powers, duties, and authority over cert. st. prop., Secs. 36-16-8, 41-6-10 am'd.

S. 11 14
Education Trust Fund, Alabama Special Educational Trust Fund name changed to

S. 66 7
Human Resources Dept. investigations, persons subject to entitled to cert. due process rts., Sec. 26-14-8 am'd.

S. 19 2
Tour buses, registration with Public Service Comm. and identification marker or trip permit from Revenue Dept. by single payment to Tourism and Travel Dept., exempt from motor carrier mileage tax, Secs. 37-3-32, 40-17-50, 40-19-1, 40-19-2 am'd.

S. 49 19
Alabama Symphony, approp.

On motion of Senator Hale, the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 7. COMMENDING VICTOR GUARISCO FOR DISTINGUISHED SERVICE TO THE CITY OF DAPHNE.

Also:

HJR 27. MOURNING THE DEATH OF WILSON A. MITCHELL OF MOBILE, ALABAMA.

Also:

HJR 28. COMMENDING CHRISTINE RAY RICHARD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

HJR 29. COMMENDING THE MATH TEAM OF MORGAN ACADEMY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 30. COMMENDING THE MATH TEAM OF MEADOWVIEW CHRISTIAN OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 31. COMMENDING HAROLD FREDERICK BARTON FOR DISTINGUISHED SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1963-1992.

Also:

HJR 32. NAMING "VETERANS MEMORIAL PARKWAY" IN OPP, ALABAMA.

Also:

HJR 33. NAMING "TUKABATCHEE ROAD" IN ELMORE

COUNTY AND MACON COUNTY, ALABAMA.

Also:

HJR 34. MOURNING THE DEATH OF BARRY MAXWELL CLARK, A VALIANT AMERICAN PATRIOT.

Also:

HJR 35. COMMENDING PERRY JAMES OUTLAW FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

Also:

HJR 45. COMMENDING THE HUNTSVILLE DIVISION OF THE U. S. ARMY CORPS OF ENGINEERS.

Also:

HJR 51. INVITING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE REGARDING UNFUNDED FEDERAL MANDATES.

Also:

HJR 52. COMMENDING MR. AND MRS. MELVIN ROY REEDER ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

HJR 53. COMMENDING MRS. EUNA FAYE WISE UPON HER NOMINATION FOR THE FIRST JOHN F. KENNEDY PROFILE IN COURAGE AWARD.

Also:

HJR 54. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 55. COMMENDING JOHN FOSTER OF FOLEY, ALABAMA, AS FREE ENTERPRISE PERSON FOR 1992.

Also:

HJR 56. COMMENDING RETIRED CHIEF INVESTIGATOR

WILLIAM T. SHERIFF, SR. OF MONTGOMMERY, ALABAMA.

Also:

HJR 59. COMMENDING CHARLIE GRANADE OF MOBILE, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 61. RECOGNIZING WILLIE J. CARNES OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

HJR 3. INVITATION FOR JOINT ADDRESS.

Also:

HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 10. MOURNING THE DEATH OF STEPHENS GAILLARD CROOM OF MOBILE, ALABAMA.

Also:

SJR 12. COMMENDING JEWELL THOMAS ON EIGHT YEARS OF LEADERSHIP AS MAYOR OF THE CITY OF BRIGHTON.

Also:

SJR 13. MOURNING THE DEATH OF ESTELL EZELL, JR., OF LISMAN, ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 66. MOURNING THE DEATH OF MATTIE AUGUSTA WILLIAMS MITCHELL OF MOBILE, ALABAMA.

Also:

HJR 67. COMMENDING EARL K. HOWARD FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 24. To amend Section 32-5-76, Code of Alabama 1975, which provides criminal penalties for the operation of a vehicle so that the contents drop or spill out, or so that litter is deposited on the highways, roads, or streets; to exempt the operation of a vehicle while the vehicle is used for the delivery of farm products.

and pending substitute, which said substitute is set out in the Journal of the Senate for the Third Legislative Day.

On motion of Senator Smith (J), the Rules were suspended and further consideration of the Bill, SB 24, and pending substitute, was postponed subject to the call of the Chair.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, SB 18, to-wit:

AMENDMENT TO SB 18

Amend Senate Bill No. 18, Synopsis, on page 1, line 30 by deleting the words "further delete" and inserting the words "limit the application of", in lieu thereof.

Further amend Senate Bill 18, section 1, page 4, line 13 by deleting the period (.) and inserting a comma (,) in lieu thereof. Immediately following the comma insert the following additional language: "except that in counties with populations of less than 25,000 as determined by the most recent population census, the board of commissioners may, when so authorized by a vote of a majority of the persons voting within the district, in accordance with law, levy an emergency telephone service charge in an amount not to exceed two dollars (\$2)."

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial,

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Dixon, Ellis, Figures, Floyd, Ghee, Lindsey, Lipscomb, Little, Owens,
Sanders, and Smith (B) -19

Nays: - 0

And said Bill, SB 18, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Corbett, deGraffenried, Denton, Dial, Dixon,
Ellis, Figures, Floyd, Ghee, Lindsey, Lipscomb, Little, Sanders,
Smith (B), Smith (J), and Windom -19

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, H. 588, 1992 Regular Session, relating to the recordkeeping requirements and corresponding liability for the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

was taken up.

Senator Dial offered the following substitute for the Bill, SB 34, to-wit:

SUBSTITUTE FOR SB 34

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of

motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-17-1, Code of Alabama 1975, is amended to read as follows:

"§40-17-1.

"As used in this article, the term "motor fuel" shall include diesel oil fuel, tractor fuel, gas oil, distillate, kerosene, jet fuel, or any substitutes or devices therefor when sold, distributed, stored, or withdrawn from storage in this state for use in the operation of any motor vehicle upon the highways of this state."

Section 2. Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, is amended to read as follows:

"§40-17-11.

In the administration of this article the department of revenue shall permit the sale or use of motor fuels ~~as herein defined~~ without liability on the part of the distributor or storer for the tax herein levied except:

(1) Where the distributor or storer delivers ~~such~~ motor fuel into the fuel supply tank of a motor vehicle for the propulsion thereof on the public highways of this state;

(2) Where the distributor or storer delivers motor fuel into dispensing equipment of a retail dealer designed and used to supply motor fuel into the fuel supply tank of a motor vehicle for the propulsion thereof on the public highways for this state; _

(3) Where the distributor or storer sells or distributes motor fuel, knowing or having good reason to know that the ~~same~~ motor fuel is to be used for propelling motor vehicles on the public highways of this state.

It is the intent of this article that the ~~said~~ tax shall be imposed only where motor fuels, ~~as herein defined~~, are used in the operation of motor vehicles on highways of this state. ~~;~~ provided, that Notwithstanding the foregoing, any person purchasing or acquiring motor fuel from a licensed distributor for the operation of a motor vehicle upon the highways of this state without advising ~~such~~ the distributor of his or her intention

to use ~~same~~ the motor fuel for such that purpose or if ~~he shall obtain~~ obtaining motor fuel from any source and ~~use same~~ using it for such that purpose, ~~such person~~ shall also be defined as a distributor and shall be liable for the excise tax levied by section 40-17-2, plus a 100 percent penalty. ~~and, in~~ In addition, the person shall be guilty of a misdemeanor and shall be ~~punishable~~ punished by a fine of not less than \$50.00 nor more than \$1,000.00. ~~and provided further, that there~~ There shall be no tax liability when sales of motor fuels as ~~herein defined~~ are made to a user, distributor, or storer who has obtained a license from the commissioner of revenue, as provided in section 40-17-14, ~~to make such purchases less the said tax and assume~~ assumes full liability ~~therefor for the tax.~~

(4) In connection with the delivery of ~~such motor~~ diesel fuel for purposes other than those described in paragraphs (1), (2), and (3) above, or otherwise exempt from the imposition of the tax levied pursuant to this Article, if the distributor or storer has maintained adequate records as required by law to document the sale or storage of ~~motor~~ diesel fuel with respect to sales of ~~motor~~ diesel fuel made tax exempt versus tax paid, the distributor or storer shall be relieved from the responsibility of any obligation to pay tax under the provisions of this Article and the burden shall be on the end user and not the distributor or storer to establish by satisfactory evidence the purpose for which the purchaser used the ~~motor~~ diesel fuel purchased if there shall be filed with the distributor or storer by the person purchasing or acquiring ~~motor~~ diesel fuel from ~~a licensed~~ the distributor or storer ~~a certificate in substantially the following form:~~ the exemption certificate required to be kept for federal excise tax purposes for diesel fuel sold tax exempt for off road purposes.

Exemption Certificate For
Purchase of Motor Fuel For Off-Road Use
The undersigned, _____
(name)

_____, hereby certifies that the
(address) _____
gallons of motor fuel purchased by the undersigned on this date from _____
will be used for purposes
(name of distributor)

~~other than the propulsion of motor vehicles on the public highways of the State of Alabama. The undersigned is aware and acknowledges that any motor fuel tax ultimately determined to be applicable in connection with the use of the motor fuel co-purchased for the propulsion of motor vehicles on public highways of the State will be the responsibility of the undersigned and not the above-named distributor.~~

(signature) (date)

The distributor or storer shall furnish a copy of the said certificate to the purchaser and ~~must~~ shall retain the original thereof for examination by the Department of Revenue for a period of not less than three years. Each purchaser of ~~motor~~ diesel fuel for off road use shall maintain such of those records required for federal excise tax purposes for diesel fuel purchased for off road use as are described in the last sentence of this section in order to establish the use of such the fuel in motor vehicles operated other than on the public highways of the state, ~~which records shall include copies of the certificates (with receipts attached) hereinabove provided for, odometer readings for said vehicles respecting on road use and receipts respecting the purchase of motor fuel for use in said vehicles on the public highways of the state.~~ Such records shall be kept and made available for examination by the Department of Revenue for a period of not less than ~~3~~ three years. ~~No records in addition to those described above shall be required~~ The Department of Revenue may require purchasers of diesel fuel for off road use to maintain only the following of the records required for federal excise tax purposes to be kept by purchasers of motor fuel on a federal tax exempt basis in order to establish the off road use of motor fuel purchased on a state tax exempt basis: (1) receipts for all purchases of diesel fuel (showing payment, if any, of tax with respect thereto), (2) diesel fuel tank capacities for all vehicles used by the purchaser off the public roads of this state and (3) mileage records of the on-road use of all such vehicles that are equipped with odometers."

Section 3. It shall be unlawful for any person to sell for use or to use motor fuel in the operation of a motor vehicle over the highways of this state, upon which the tax levied by chapter 17 of Title 40, Code of Alabama 1975, has not been paid or the payment thereof assumed by a distributor, ~~or~~ storer, or user licensed by the Department of Revenue. Any person who willfully fails to comply with the provisions of said chapter shall for each failure be subject to a penalty imposed by the Department of Revenue of not less than one hundred dollars (\$100) nor more than ten thousand dollars (\$10,000).

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Dial then offered the following amendment to the substitute for the Bill, SB 34, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 34

On page 5, on line 8, after the word "state", insert the language:
and capacity of storage tanks for diesel fuel tanks

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Which was adopted.

And said substitute, as amended, was adopted.

Yeas 18 Nays 2

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon,
Ellis, Figures, Foshee, Hale, Langford, Lipscomb, Little, Mitchell,
Owens, and Waggoner -18

Nays:

Senators:

Lindsey and Windom - 2

And said Bill, SB 34, as amended by the substitute, as amended,
was read a third time at length and passed, and ordered sent forthwith to
the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial,
Dixon, Ellis, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb, Little,
Mitchell, Owens, Parsons, Waggoner, and Windom -22

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and
ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 88. To make an appropriation to the Legislative Council for
the 1992-93 fiscal year.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 88 - to the Committee on Finance and Taxation

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

DON HALE,
Chairperson.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 57. To make a supplemental appropriation from the State General Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1993.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

THE BILL:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial appli-

cation of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom
-24

Nays:

- 0

THE BILL:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried,

Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -24

Nays: - 0

THE BILL:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -24

Nays: - 0

THE BILL:

S. 82. To amend Section 32-6-150 of the Code of Alabama 1975, as amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, relating to the issuance of Atomic Veterans NUKED Commemorative tags and environmental tags to provide further for the period of the veteran tags and the cost of those tags.

was taken up.

Senator Dial offered the following substitute for the Bill, SB 82, to-wit:

SUBSTITUTE FOR SB 82

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 32-6-150 of the Code of Alabama 1975, as

amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, relating to the issuance of Atomic Veterans NUKED Commemorative tags, Armed Forces Reserve tags, and environmental tags to provide further for the period of the veteran tags and the cost of those tags.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-150, Code of Alabama 1975, as amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, is amended to read as follows:

"§32-6-150.

"(a) Owners of motor vehicles who are residents of Alabama, upon application to the probate judge or commissioner of licenses complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags or plates as provided by law for private passenger or pleasure motor vehicles, and, except as provided in subsection (b), the payment of an additional annual fee of \$50.00, shall be issued personalized license tags or plates upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, figures, numbers or other marks, emblems, symbols or badges of distinction or personal prestige or combination thereof as are approved for and assigned to the application by the state department of revenue.

"(b) The special marks or badges of distinction shall include distinctive commemorative tags, assigned by the department of revenue for each of those public and private four year colleges or universities and Athens College participating in such commemorative tag program and distinctive, commemorative tags, assigned by the Department of Revenue for the Atomic Veterans NUKED Tag Program for veterans of the U.S. armed forces exposed to dangerous levels of radiation due to atomic bomb and weapons testing from ~~1946~~ 1944 to 1962, the Veteran Tag Program for Vietnam veterans, Korean War veterans, World War II veterans, veterans of the Battle of the Bulge, veterans awarded the Purple Heart for being wounded in action, and veterans of Desert Shield/Desert Storm, persons who serve in the United States Armed Forces Reserve, and the Environmental Commemorative Tag Program. The commemorative tags shall be issued, printed, and processed in the same manner as other personalized tags are in this chapter. The fee for ~~such~~ the commemorative tags shall be the amount provided in subsection (a) herein, except for the Atomic Veterans NUKED commemorative tags and the veteran commemorative tags, and the Armed Forces Reserve commemorative tags, which fee shall be an annual additional fee of ~~fifteen~~ three dollars ~~(\$15)~~ (\$3) payable to the Department of Revenue to

cover the costs of production and issuance of the tags. Such commemorative tags shall be valid for five years and shall be replaced at the end of the period with conventional tags or other personalized tags. Payment of the required motor vehicle license fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in section 32-6-63. The board of trustees of the respective colleges and universities shall design, or have designed, the commemorative tag subject to approval by the commissioner of revenue and compliance with all laws and regulations. The Vietnam Veterans of America (VVA), Alabama State Council for Vietnam veteran commemorative tags, the Department of Veteran Affairs for other Atomic Veterans NUKED commemorative tags and for veteran commemorative tags, and the Department of Environmental Management for environmental commemorative tags shall each respectively design, or have designed the personalized veteran tags and the environmental commemorative tag or plate, subject to approval of the Commissioner of Revenue and compliance with all laws and regulations except that Section 32-6-54 shall not apply to personalized environmental commemorative tags or plates. Any applicant for a Vietnam veteran commemorative tag shall be a Vietnam era veteran and the Vietnam Veterans of America (VVA), Alabama State Council, shall certify all Vietnam veterans eligible for a Vietnam veteran commemorative tag. An applicant for an Atomic Veterans NUKED or for any other veteran tag shall be a veteran of the appropriate conflict or otherwise qualify for a veteran tag and the Department of Veterans Affairs shall certify that the veteran is eligible for the appropriate veteran commemorative tag.

"(c) The Troy State University commemorative tags issued January 1, 1987, through October 31, 1987, shall continue to be valid without payment of the additional fee provided in this section until the expiration date in the year 1992, or until otherwise becoming invalid or expired provided the regular annual license fees continue to be paid each year.

"(d) Each college or university desiring a commemorative tag shall pay to the department of revenue such sum as the commissioner may require to cover the cost of production of the tags requested by such college or university before any such production occurs.

"(e) The Department of Environmental Management shall pay to the Department of Revenue the sum the commissioner may require to cover the costs of production of the personalized environmental commemorative tags before production occurs."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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4th Day

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Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -23

Nays:

- 0

And said Bill, SB 82, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -23

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

DON HALE,
Chairperson.

REPORTS FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following

House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 46. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

And on motion of Senator Bennett, said Resolution, HJR 46, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 36. EXPRESSING SUPPORT FOR UNITED STATES SENATE BILL 1002, MAKING IT A FEDERAL CRIME TO LEAVE OR REMAIN OUTSIDE A STATE FOR THE PURPOSE OF AVOIDING PAYMENT OF ARREARAGE IN CHILD SUPPORT.

And on motion of Senator Hale, said Resolution, HJR 36, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 36, to-wit:

SUBSTITUTE FOR SB 36

A BILL
TO BE ENTITLED
AN ACT

Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-16-8 and 41-6-10, Code of Alabama 1975, are amended to read as follows:

"§36-16-8.

"The property inventory control division shall establish a control in the following manner of all nonconsumable state personal property not ~~hereinafter~~ exempt under section 36-16-11:

"(1) The head of each department or agency of the state shall designate one of its employees as property manager for ~~such~~ the department or agency, whose duty shall be to make a full and complete inventory of all nonconsumable personal property, except books, of the value of one hundred dollars (\$100), ~~or more~~ owned by the state and used by ~~said~~ the department or agency, and all such property hereafter acquired, which inventory shall show the complete description, manufacturer's serial number, cost price, date of purchase, location and custodial agency, responsible officer or employee, and the state property control marking. A copy of ~~such~~ the inventory shall be submitted to the property inventory control division on October 1 and April 1 of each year. Each inventory shall show all ~~such~~ property acquired since the date of the last inventory. When any inventory fails to show any ~~such~~ property shown on the previous inventory, then a complete explanation accounting for ~~said~~ the property or the disposition thereof ~~must~~ shall be

attached to and submitted to the property inventory control division with the inventory. All ~~such~~ property managers shall keep at all times in their files a copy of all inventories submitted to the property inventory control division, and ~~said the~~ copies shall be subject to examination by any and all state auditors or employees of the department of examiners of public accounts.

"(2) Each ~~such~~ property manager shall be the custodian of and responsible for, all property in his or her department or agency, ~~and when .~~ If any ~~such~~ property is entrusted to other employees or officers of ~~such the~~ department or agency, then the property manager shall require a written receipt of ~~such the~~ property so entrusted, which receipt shall be executed by the person receiving the ~~said~~ property; ~~and, in that event, such .~~ Upon transfer of the property, the property manager shall be relieved of responsibility of ~~said the~~ property, and the employee or officer of ~~said the~~ department or agency shall then become responsible for ~~said the~~ property.

"(3) No such property, except property being transferred to the Department of Archives and History under Section 36-16-8, Code of Alabama 1975, shall be disposed of, transferred, assigned, or entrusted to any other department, agency, or employee thereof without the written permission of the director of the Alabama department of economic and community affairs or the governor of the state of Alabama or the designee of either of them.

"(4) The property inventory control division shall conduct annually an inventory of all such state personal property excluding historical materials in the custody of the Department of Archives and History, holding every officer or employee strictly accountable for all personal property assigned to his or her custody.

"(5) Whenever any ~~such~~ property manager ceases for any reason to be the property manager of his or her department or agency, the director of ~~said the~~ department or agency shall immediately notify in writing the property inventory control division, ~~and the .~~ The division shall immediately check the inventories of all ~~such~~ property in ~~said the~~ department or agency, and the successor to ~~such the~~ property manager shall execute a written receipt for all such property received by him or her or coming into his or her custody or control. The last payment of salary due ~~such the~~ property manager shall be withheld until ~~such the~~ complete check of the inventory of ~~such the~~ property has been made and approved, ~~and in event of any shortages, such .~~ The property manager shall be held strictly accountable for any shortages; ~~provided, however, that such~~ The property manager shall not be held accountable for ~~such~~ property which he or she has entrusted to any other employee or officer

of ~~said the~~ department or agency and for which he or she holds the written receipt of such employee or officer.

"§41-6-10.

"Any state, county or other official may, ~~in his discretion,~~ turn over to the department for permanent preservation therein any objects, official books, records, documents, original papers, newspaper files, and printed books not in current use ~~in his the offices,~~ and that are determined by the Department of Archives and History to be of historical value. The Director of the Department of Archives and History shall develop guidelines and procedures for the appraisal and transfer of historical objects to the department from state, county, or other offices. Objects and other tangible items acquired for the historical collections of the Department of Archives and History shall be documented and maintained in accordance with an overall inventory control system for historical collections in the department as established by the director."

Section 2. For purposes of Sections 3 to 9, inclusive, of this act, the following terms shall have the following meanings:

(1) BOARD. The Board of Trustees of the Department of Archives and History.

(2) DE-ACCESSION. To remove from the collection of the Department of Archives and History.

(3) DEPARTMENT. The Department of Archives and History.

(4) DIRECTOR. The Director of the Department of Archives and History.

(5) LOAN. A deposit of property not accompanied by transfer of title to the property.

(6) PROPERTY. Includes all books, materials, documents, and tangible objects in the possession of the Department of Archives and History.

(7) UNDOCUMENTED PROPERTY. Property in the possession of the Department of Archives and History for which the department cannot determine by reference to the department's records the property's owner.

Section 3. (a) The director, subject to the approval of the board, may from time to time de-accession property in the possession of the

department. The director shall develop guidelines and procedures for the de-accession and transfer of property including, but not limited to, those that no longer fall within the department's collecting guidelines, that duplicate items in the collection, or that are no longer deemed appropriate for the department's collections. The transfer of historical materials may be made in any of the following ways:

- (1) By return to the donor or donors.
- (2) By gift to other cultural institutions.
- (3) By trade with other institutions.
- (4) By sale.

(5) By any other manner consistent with accepted practices for museums and archives.

(b) There is created in the state treasury a fund to be known and designated as the Archives Historical Collections Fund. Any revenue collected from the sale or transfer of any historical materials pursuant to subsection (a) shall be deposited in the State Treasury to the credit of the Archives Historical Collections Fund.

(c) The expenditure of any funds collected under subsection (b) shall be solely for acquisitions or conservation of permanent collections for the department and in accordance with guidelines approved by the board.

(d) No funds deposited in the State Treasury to the credit of the Archives Historical Collections Fund shall be expended for any purpose whatsoever unless the funds have been allotted and budgeted in accordance with the provisions of Article 4 (commencing with section 41-4-80), Chapter 4, Title 41, Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature.

(e) Funds deposited in the Archives Historical Collections Fund shall not revert to the General Fund of the state but shall remain in the Archives Historical Collections Fund until expended by the department.

(f) There is appropriated from the Archives Historical Collections Fund to the department the sum of five thousand dollars (\$5,000) for the fiscal year ending September 30, 1993.

Section 4. (a) Property on loan to the department, subject to a loan agreement, shall be deemed to be donated to the department if no

claim is made or action filed to recover the property after termination or expiration of the loan, and if the department has given notice pursuant to Section 6 of this act and no assertion of title has been filed within 90 days from the date of the second published notice.

(b) The department may terminate a loan of property if the property was loaned to the department for an indefinite term and the property has been held by the department for five years or more. Property on "permanent loan" shall be deemed to be loaned for an indefinite term.

(c) If property was loaned to the department for a specified term, the department may give notice of termination of the loan at any time after expiration of the specified term.

(d) When the department accepts a loan of property, the department shall inform the owner in writing of the requirements of this act.

(e) It is the responsibility of the owner to notify the department promptly in writing of any change of address or change in ownership of the property.

(f) When a loan expires, the department shall make every effort, using the last known address of the owner, to locate the owner or the owner's heirs. The department shall document all efforts to locate the owner.

Section 5. Any undocumented property that has been held by the department for five years or more and has remained unclaimed shall be deemed to be abandoned. The undocumented property shall become the property of the department if the department has given notice pursuant to Section 6 of this act and no assertion of title has been filed for the property within 90 days from the date of the second published notice.

Section 6. (a) When the department is required to give notice of the abandonment of property or of termination of a loan, the department shall mail notice by certified mail, return receipt requested, to the last known owner at the most recent address of the owner as shown on the department's records. If the department does not know the identity of the owner, or does not have an address for the owner, or does not receive written proof of receipt of the mailed notice within 30 days of the date the notice was mailed, the department shall publish notice, at least once each week for two consecutive weeks, in a newspaper of general circulation in both Montgomery County and the county in which the last

known address, if available, of the owner, if known, is located.

(b) The published notice shall contain all of the following:

(1) A description of the unclaimed property.

(2) The name and last known address of the owner, if available.

(3) A request that all persons who may have any knowledge of the location of the owner provide written notice to the department.

(4) A statement that if written assertion of title is not presented by the owner to the department within 90 days from the date of the second published notice, the property shall be deemed abandoned or donated and shall become the property of the department.

(c) If no written assertion of title has been presented by the owner to the department within 90 days from the date of the second published notice, title to the property shall vest in the department, free of all claims of the owner and of all persons claiming under the owner.

(d) One who purchases or otherwise acquires property from the department acquires good and marketable title to the property if the department has acquired title to the property under this section.

Section 7. (a) The department may apply conservation measures to or dispose of undocumented property if immediate action is required to protect the property or other property in the custody of the department, or if the property is a hazard to the health and safety of the public or the department staff.

(b) Unless there is a written stipulation in the loan agreement to the contrary, the department may apply conservation measures to or dispose of property on loan to the department without the owner's permission or formal notice if immediate action is required to protect the property on loan or other property in the custody of the department, or if the property on loan is a hazard to the health and safety of the public or the department staff and if any of the following apply:

(1) The department is unable to reach the owner at the owner's last known address or phone number if action is to be taken within more than three days but less than one week from the time the department determined action was necessary.

(2) The department is unable to reach the owner at the owner's last known phone number prior to taking action if the action is to be

taken within three days or less from the time the department determined action was necessary.

(3) The owner does not respond or will not agree to the protective measures the department recommends, yet is unwilling or unable to terminate the loan and retrieve the property.

(c) If the department applies conservation measures to or disposes of property under this section, or with the agreement of the owner, unless the agreement provides otherwise, the department:

(1) Has lien on the property and on the proceeds of any disposition of the property for the costs incurred by the department.

(2) Is not liable for injury to or loss of the property if the department:

a. Had a reasonable belief at the time the action was taken that the action was necessary to protect the property on loan or other property in the custody of the department, or that the property on loan was a hazard to the health and safety of the public or the department staff.

b. Exercised reasonable care in the choice and application of conservation measures.

Section 8. (a) The department may collect fees for certain services rendered by the department, including, but not limited to the following:

(1) Search and handling fees. These fees shall include, but not limited to, fees for conducting research for requests from outside the state and for handling all requests for reproducing special format materials.

(2) Records center and micrographics storage and service fees. These fees shall be collected from government agencies for storage, retrieval, and reproduction of nonpermanent records in the records center and for the security storage of microfilm. One years' notice shall be given to any agency prior to implementation of a storage fee.

(b) Fees for services shall be set by the board upon recommendation by the director and may be amended as required. Fees shall be based upon actual cost to the department for providing the services.

(c) There is created in the State Treasury a fund to be known and

designated as the Archives Services Fund. Any revenue collected for services pursuant to subsection (a) shall be deposited in the State Treasury to the credit of the Archives Services Fund.

(d) The expenditure of funds collected under subsection (a) shall be used by the department to help defray expenses incurred in providing the services.

(e) No funds deposited in the State Treasury to the credit of the Archives Services Fund shall be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 (commencing with Section 41-4-80), Chapter 4, Title 41, Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature.

(f) Funds deposited in the Archives Services Fund shall not revert to the general fund of the state but shall remain in the Archives Services Fund until expended by the department.

(g) There is appropriated from the Archives Services Fund to the department the sum of twenty-five thousand dollars (\$25,000) for the fiscal year ending September 30, 1993.

Section 9. (a) The department may establish and administer or permit establishment and administration under contract of a store to provide information and materials relating to exhibits, collections, and programs to the public. The store may produce, acquire, and sell craft products, replicas, and reproductions of artifacts and documents, and other merchandise relating to historical and cultural resources and may make a reasonable charge for the merchandise.

(b) Items purchased specifically for resale in the store are not subject to the state competitive bid process.

(c) All profits from the store shall be used for the benefit of the department.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -23

Nays:

- 0

Senator Mitchell offered the following amendment to the Bill, SB 36, as amended by the substitute, to-wit:

AMENDMENT TO SB 36, AS AMENDED

Amend SB 36, as amended by the substitute, on Page 5, line 16 by adding "" after the period.

Further amend on Page 11, line 26 by changing "years" to "year's".

Further amend on Page 12, line 10 by changing "nay" to "any".

Further amend on page 4, line 18, by deleting the numerals "36-16-8", and insert in lieu thereof the following: 41-6-10

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -23

Nays:

- 0

And said Bill, SB 36, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb,

Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -23

Nays: - 0

FURTHER CONSIDERATION OF SB 42

The Senate proceeded to further consideration of the Bill:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive surplus passenger automobiles without charge.

as amended by the substitute, as amended, which said substitute and amendment are set out in the Journal of the Senate for the Third Legislative Day.

And said Bill, SB 42, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -24

Nay: Senator Windom - 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 11. To change the name of the Alabama Special Educational Trust Fund.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, SB 11, to-wit:

AMENDMENT TO SB 11

Amend Senate Bill 11, on Page 1, Lines 10, 21, 24 and 28, as

follows: by deleting the word "Trust".

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -23

Nays:

- 0

And said Bill, SB 11, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -23

Nays:

- 0

RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 21. REQUESTING THE DEPARTMENT OF CORRECTIONS TO NEGOTIATE HOSPITAL CHARGES FOR INMATES.

WHEREAS, it is the duty of the Department of Corrections to provide adequate medical services and hospital care to inmates; and

WHEREAS, the department impliedly agrees to pay the necessary and reasonable hospital charges when an inmate in custody must be hospitalized; and

WHEREAS, the costs of medical care continue to escalate and any hospitalization costs the department incurs diminishes funds available to the department for other programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of

Corrections is requested to negotiate the costs of necessary and reasonable hospital charges with different hospitals in order to furnish quality medical attention to inmates at the lowest cost, comparable or less than the charges allowed under the State Medicaid Program.

BE IT FURTHER RESOLVED, That we direct that the Commissioner of the Department of Corrections receive a copy of this resolution so that he may know of our request.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -23

Nays:

- 0

THE BILL:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

was taken up.

Senator Bennett offered the following amendment to the Bill, SB 19, to-wit:

AMENDMENT TO SB 19

On page 4, line 12, add the following after the quote marks at the beginning of the line:

(c)

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -23

Nays:

- 0

And said Bill, SB 19, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 49. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

was taken up.

Senator Horn moved that the Bill, SB 49, be indefinitely postponed.

Senator Little moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

The question recurred on the motion of Senator Horn that the Bill,

SB 49, be indefinitely postponed, which motion was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 82. To amend Section 32-6-150 of the Code of Alabama 1975, as amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, relating to the issuance of Atomic Veterans NUKED Commemorative tags, Armed Forces Reserve tags, and environmental tags to provide further for the period of the veteran tags and the cost of those tags.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Parker (P), White, Walker, Smith (C), and Powell:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 4 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 26 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hogan and Cagle:

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 41 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 70. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992. This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 70 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper, Buskey (JE), and Thomas:

H. 97. To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 97 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 80 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 90 - to the Committee on Finance and Taxation

RECESS

At 4:50 P.M., on motion of Senator Hale, the Senate took a recess subject to the call of the Chair.

Yeas 19 Nays 0

Yeas:

Sensors:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Owens, Parsons, Sanders, and Waggoner -19

Nays:

- 0

At 4:55 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Butler, Clark (J), Carter, McMillan, Starkey, Knight, Hawkins, Harper, Parker (P), Harvey, Haney, McClain, Black (M), Spratt, Bugg, Biddle, Morrow, Hall, Freeman, Smith (C), Rogers (F), Newton (D), Hamilton, Millican, McDaniel, Sanderson, Collins, Box, Powell, Smith (R), Curry, Higginbotham, Turnham, White, Cosby, Buskey (JE), Cullins, Mathis, Beasley, Gaston, Kvalheim, Rockhold, Kennedy, Mikell, Johnson, Laird, and Bryant:

H. 78. Relating to veterans' nursing homes and veterans' homes; to amend the Code of Alabama 1975, Sections 22-21-260 and 22-21-777, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need; and to make a conditional appropriation from the State General

Fund to the State Department of Veterans Affairs for the fiscal year ending September 30, 1993, in the amount of \$5,500,000, to be used for veterans' nursing homes.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 78 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 67. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 67 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner:

H. 27. To make a supplemental appropriation to the Depart-

ment of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 27 - to the Committee on Finance and Taxation

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 10

SJR 12

SJR 13

Delivered to the Governor, September 24, 1992, at 2:17 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:05 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, September 29, 1992, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY
TUESDAY, SEPTEMBER 29, 1992

The Senate met pursuant to adjournment, President Pro Tempore deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Ann Bedsole, Thirty-Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andrea Letts, Houston Hills Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Corbett, leave of absence was granted Senator Sanders for today.

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time, and referred to appropriate standing committee, as follows:

By Senator Owens:

S. 92. To amend Section 36-22-62, Code of Alabama 1975, to provide that supernumerary benefits received by a sheriff shall be retroactively exempt from state income tax.

Committee on Finance
and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Black (L), Bryant, Kennedy, and Blakeney:

HJR 69. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the

Resolution, HJR 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Buskey (JE), Clark (W), and Kennedy:

HJR 83. COMMENDING ELDER PHILLIP GARDNER OF MASON MEMORIAL TEMPLE, COGIC, MOBILE, ALABAMA.

Also:

By Reps. Buskey (JL), Holmes, Walker, McKee, and Hooper:

HJR 84. MOURNING THE DEATH OF ROBERT DABNEY SMILEY, JR., OF MONTGOMERY, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 83 and 84, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Buskey (JE), Clark (W), Kennedy, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes,

Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 82. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 82, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senators Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 22. MOURNING THE DEATH OF ZORA ELMA LANSDELL CAMPBELL OF TOWN CREEK, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the death of Zora Elma Lansdell Campbell of Town Creek, Alabama, on September 21, 1992, at the age of 91 years; and

WHEREAS, born December 3, 1900, Zora Campbell was the widow of John Luther Campbell and an active and faithful member of Providence Baptist Church; and

WHEREAS, a much loved and respected member of the Town Creek community, she will be greatly missed by all who were fortunate enough to know her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Zora Elma Lansdell Campbell and, in this time of sorrow, extend our deepest and most heartfelt sympathy to her sons, Luther Carl Campbell, John V. Campbell and our friend and colleague, Senator Ray Campbell; to her daughters, Clara Campbell Parker, Glenn Campbell, Ruby Campbell, Ruth Campbell Ault, Mabel Campbell Patterson, Marcilla Campbell Weems, and Joyce Campbell Moore; to her brother, Hearn Lansdell; eleven grandchildren and ten great-grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bennett and Parsons offered the following Senate Joint Resolution, to-wit:

SJR 23. COMMENDING ARNOLD N. BURGESS AFTER THREE TERMS AS MAYOR OF MIDFIELD.

WHEREAS, Arnold N. Burgess will officially retire October 4, 1992 as mayor of Midfield after three terms in office; and

WHEREAS, appointed to fill the unexpired term of the late Mayor Winifred Jackson in 1981, Mayor Burgess won election in his own right in 1984 and 1988; and

WHEREAS, Mayor Burgess, who served on the City Council from 1977 to 1981 was elected Mayor pro-tem in 1980; and

WHEREAS, during his term in office, he was instrumental in construction of a new city hall and fire department, a new library and senior citizens building, as well as other city improvements including installation of the E-911 system; and

WHEREAS, retired from U.S. Steel, Mayor Burgess is active in his community and teaches Sunday School at Fairfield Highlands Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does hereby commend Mayor Burgess on 15 years of dedicated public service and outstanding leadership.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Burgess with the Legislature's gratitude and best wishes for the future.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan, Penry, Turner, Gaston, Kvalheim, Zoghby, Rockhold, Kennedy, Buskey (JE), Clark (W), and Harper:

HJR 71. EXPRESSING APPRECIATION TO MR. HOWARD BRONSON, JR., AND THE MOBILE REGISTER.

Also:

By Rep. McMillan:

HJR 72. DESIGNATING THE STOCKTON HORSESHOE TOURNAMENT AS THE OFFICIAL CHAMPIONSHIP HORSESHOE TOURNAMENT FOR THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bedsole, the Rules were suspended and the Resolution, HJR 71, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, HJR 72, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Venable, Buskey (JE), Zoghby, and Curry:

HJR 77. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

WHEREAS, it is necessary for the Legislature to provide for fair

and accurate elections in a democratic society; and

WHEREAS, among other issues there exist considerable conflicts in the current election laws, the costs involved in holding elections have increased dramatically, and the increased use of absentee ballots presents a potential for abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study election law reform. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the laws relating to elections.

An Advisory Committee, whose members shall receive no remuneration, shall be formed with one member being appointed by each of the following: the President of the Alabama Probate Judges Association; three Judges appointed by the President of the Alabama Probate Judges Association; the President of the Alabama Association of Clerks and Registers; the President of the Alabama Association of Boards of Registrars; the President of the Alabama Sheriff's Association; the Secretary of State; and others the committee may deem advisable.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1993 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 77, set out in the foregoing Message from

the House, was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 11. To change the name of the Alabama Special Educational Trust Fund.

Also:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

Also:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

Also:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the

Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

DON HALE,
Chairperson.

REPORTS OF COMMITTEES

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 91. To provide for certain rights of law enforcement officers relative to due process during certain disciplinary investigations of the officers.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holley, Parker (P), White, Walker, Smith (C), and Powell:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Substitute):

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner:

H. 27. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hogan and Cagle (With Substitute):

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 70. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992. This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year.

By Rep. Turner (With Amendment):

H. 80. To make an appropriation to the Alabama Historical

Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

By Reps. Butler, Clark (J), Carter, McMillan, Starkey, Knight, Hawkins, Harper, Parker (P), Harvey, Haney, McClain, Black (M), Spratt, Bugg, Biddle, Morrow, Hall, Freeman, Smith (C), Rogers (F), Newton (D), Hamilton, Millican, McDaniel, Sanderson, Collins, Box, Powell, Smith (R), Curry, Higginbotham, Turnham, White, Cosby, Buskey (JE), Cullins, Mathis, Beasley, Gaston, Kvalheim, Rockhold, Kennedy, Mikell, Johnson, Laird, and Bryant:

H. 78. Relating to veterans' nursing homes and veterans' homes; to amend the Code of Alabama 1975, Sections 22-21-260 and 22-21-777, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need; and to make a conditional appropriation from the State General Fund to the State Department of Veterans Affairs for the fiscal year ending September 30, 1993, in the amount of \$5,500,000, to be used for veterans' nursing homes.

By Rep. Harper:

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Buskey (JE), and Thomas (With Substitute):

H. 97. To make an appropriation for the support and mainte-

nance of the Sickle Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 89. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by certain state institutions of higher learning.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 58. To create the West Alabama Finance Authority to plan and develop information and financing programs to aid and assist organizations, corporations, businesses, municipalities, counties, individuals, and state, county, and municipal agencies in the region and to provide for the appointment of authority members.

By Senator Hilliard:

S. 59. To create the Warrior River Development Association to plan and develop all programs of information, commerce, and recreational activities designed to assist the economic growth of the region and to provide for the appointment of association members.

By Senator Hilliard:

S. 60. To create the West Alabama Arts Council to encourage the study of the arts and promote interest in art in the region and to provide for the appointment of the council.

By Senator Hilliard:

S. 61. To create the West Alabama Economic Development Council to encourage comprehensive and coordinated planning and pro-

gramming of economic and community affairs for the region and to provide for the appointment of council members.

By Senator Hilliard:

S. 62. To create the West Alabama Sports Association to encourage and attract more professional athletic, sporting, and promotional events to the region, and to develop publicity and promotional programs for the support of those events and to provide for the appointment of association members.

By Senator Hilliard:

S. 63. To create the West Alabama Agricultural Council to plan and develop programs of information and aid and assist farmers and agricultural related industries and the securing of financing in the region and to provide for the appointment of council members.

By Senator Hilliard:

S. 64. To create the West Alabama Tourist Association to plan and develop all programs of information and publicity designed to attract tourists to the region and to provide for the appointment of association members.

By Senator Hilliard:

S. 71. To amend the Alabama Enterprise Zone Act by providing that the tax incentives shall be available to any small business employing three or more persons.

BILLS ON THIRD READING

THE BILL:

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb,

Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J),
Waggoner, and Windom -25

Nays: - 0

THE BILL:

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial,
Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb,
Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J),
Waggoner, and Windom -25

Nays: - 0

THE BILL:

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial,
Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb,
Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J),
Waggoner, and Windom -25

Nays: - 0

THE BILL:

H. 57. Relating to Covington County; providing for an ad-

ditional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

THE BILL:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

was taken up.

On motion of Senator Langford, the Rules were suspended and further consideration of the Bill, HB 63, was postponed subject to the call of the Chair.

THE BILL:

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 66, was postponed subject to the call of the Chair.

THE BILL:

H. 91. Relating to Baldwin County; providing further for the

compensation of the judge of probate; repealing conflicting law; and providing an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

THE BILL:

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

THE BILL:

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

THE BILL:

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

was taken up.

On motion of Senator Lipscomb, the Rules were suspended and further consideration of the Bill, HB 100, was postponed subject to the call of the Chair.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 24. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1992 Second Special Session only:

H. 76

Hazardous waste tax, distrib., volume cap rep., Environmental Research Trust estab., Secs. 22-30B-2, 22-30B-2.1, 22-30B-2.2, 22-30B-4, 22-30B-13 am'd., Sec. 22-30B-2.3 repealed

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On motion of Senator Hale, the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator Dial moved that when the Senate adjourns today, it ad-

journal to meet again on Wednesday, September 30, 1992, at 10 o'clock A.M., which motion was adopted.

FURTHER CONSIDERATION OF HB 63

The Senate proceeded to further consideration of the Bill, HB 63.

Senator Langford offered the following amendment to the Bill, HB 63, to-wit:

AMENDMENT TO HB 63

Amend HB 63 by placing a comma after the word "fees" on page 2, line 14 and adding after such comma and before the word "for" on page 2, line 14 the following:

"annually not to exceed \$50.00 on each residence and \$100.00 on each business located within the county,"

Further amend HB 63 by striking all of that portion of Section 1 beginning with the word "which" on page 2, line 15 through the word "and" on page 2, line 16 and substituting in lieu thereof the words "such local law."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

And said Bill, HB 63, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

Senator Dial offered the following substitute for the Bill, HB 76, to-wit:

SUBSTITUTE FOR HB 76

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing single base fees of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal

sites for all waste or substances disposed of at such sites effective July 15, 1990 until the effective date of this Act and thereafter a single base fee of \$69.50 per ton beginning on the effective date of this Act; to amend Section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend Section 22-30B-2.2, relating to the payment of certain fees to the Alabama public health finance authority, so as to provide further for the allocation of the new fee to said authority; to amend Section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal Section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to place a volume limit on wastes, hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; to provide funding for the Alabama Hazardous Substance Cleanup Fund; to establish and to fund a hazardous waste and substance prevention and minimization trust fund and to provide for the administration of the fund and the distribution of money in said fund; and to provide for certain information on waste management at commercial hazardous waste treatment, storage and disposal facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-30B-2, Code of Alabama 1975, as amended by Act No. 90-326, is hereby amended to read as follows:

"§22-30B-2.

"(a) In addition to other fees levied, there is hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste or hazardous substances in the amount of ~~\$25.60~~ \$32.60 per ton for all waste or substances disposed of at such site.

"(b) For all waste and substances which are ~~generated outside of Alabama and~~ disposed of at a commercial site for the disposal of hazardous waste or hazardous substances in Alabama, an additional fee shall be levied at the rate of \$72.00 per ton effective from July 15, 1990 to the effective date of this Act.

"All waste and substances which have been disposed of at a commercial site for the disposal of hazardous waste or hazardous substances in Alabama subsequent to July 15, 1990, are hereby deemed to be subject to the fees specified by subsections (a) and (b) and remittance for the difference between any lesser fee remitted and the fees

provided for by subsections (a) and (b) shall be paid to the department of revenue at the next applicable monthly reporting and remittance date following adoption of this act.

~~"(c) In addition to the fees levied hereinabove, there is hereby levied a total of \$9.00 per ton to be paid by the operators of each such commercial site for the disposal of hazardous wastes or hazardous substances in accordance with the following:~~

~~"(1) Eight dollars per ton effective October 1, 1989, \$7.00 of which shall be deposited in the general fund of the state to be used for general operations; and \$1.00 of which shall be deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act;~~

~~"(2) Fifty cents per ton effective October 1, 1990, shall be deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act;~~

~~"(3) Fifty cents per ton effective October 1, 1991, shall be deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act.~~

"(c) Beginning on the effective date of this act, the fee provided in subsection (a) of this section is increased to \$69.50 per ton.

"(d) Fees assessed herein against the operators of commercial sites for the disposal of hazardous waste or hazardous substances shall not be applied until after October 1, 1992, to waste disposed of at such sites by secondary lead smelters to the extent that said fees exceed the fees in effect on April 17, 1990; provided, however, that any business or industry which is exempt from the payment of any fees or taxes levied by this act that fails to develop and implement the technology to eliminate the generation of hazardous wastes and substances by October 1, 1992, shall pay to the General Fund of the State of Alabama an amount equal to the additional fees and taxes levied by the provisions of this act that would have been due and payable at that time by the provisions of this act. Provided, further, that in order for any taxpayer to qualify for such exemption, a petition on a form provided by the Department of Revenue must be submitted to the Department of Revenue not later than September 30, 1991. Said petition shall provide that the exempted tax-

payer acknowledge awareness of the provisions of this act."

Section 2. Section 22-30B-2.1 of the Code of Alabama 1975 is hereby amended as follows:

"§22-30B-2.1.

"(a) There is hereby provided to all counties having less than 25,000 population and wherein on April 17, 1990, a commercial site for the disposal of hazardous waste or hazardous substances is located an annual payment of two and one-half percent of the additional 18 dollars per ton gross receipts generated by subsection (a) and the additional 72 dollars per ton generated by subsection (b) of section 22-30B-2 that become effective July 15, 1990, and the receipts generated from the increase in fees under section 22-30B-2(c) as provided herein over those fees in existence on October 1, 1989.

"(b) Said counties as identified in subsection (a) above are hereby guaranteed an amount not to exceed the lesser of \$4,200,000.00 or 100 percent of the receipts to the state paid on wastes or substances disposed of in said county. In determining whether said counties are entitled to receive benefit of all or any portion of the guarantee herein made, there shall be charged against said counties all receipts which they receive pursuant to this chapter and the provisions of Alabama Act 83-480 or other applicable local act.

~~"(c) Determination of entitlement to the guarantee shall be made annually by the governor or his designee not later than November 15. Such determination shall be the difference in those fees payable to the county under the provisions of this chapter and Alabama Act 83-480 and any other applicable local act for the 12-month period ending the previous September 30 as compared to the applicable guarantee amount.~~

~~"(d) In the event the guarantee provided in subsection (b) is required to be exercised, the department of revenue shall, within 10 days of notification from the governor or his designee, certify to the state finance director that an appropriate amount as determined in subsection (c) from the first receipts generated by this act in each fiscal year shall be paid to the appropriate county commission. The state finance director is hereby authorized to cause to be paid from current state revenues generated by this act said amount which shall be paid as a reduction of current fiscal year revenues to the state, which said payment shall not in any event exceed an amount equal to the total current fiscal year revenues generated by this act and paid into the state treasury. The county commission shall, within 10 days of receipt of said funds, disburse the funds according to the provisions of Alabama Act 83-480 or other applicable general or local laws.~~

"(c) Determination of entitlement to the guarantee shall be made quarterly by the governor or his designee not later than 45 days following the end of each quarter of the state's fiscal year. Such determination shall be the difference in those fees payable to the county under the provisions of this chapter and Alabama Act 83-480 and any other applicable local act for the 3 month period ending the previous quarter as compared to the applicable guarantee amount of \$1,050,000.00 per quarter.

"(d) In the event the guarantee provided in subsection (b) is required to be exercised, the department of revenue shall, within 10 days of notification from the governor or his designee, certify to the state finance director that an appropriate amount as determined in subsection (c) from the first receipts generated by this act in each quarter of the fiscal year shall be paid to the appropriate county commission. The state finance director is hereby authorized to cause to be paid from current state revenues generated by this act said amount which shall be paid as a reduction of current fiscal year revenues to the state, which said payment shall not in any event exceed an amount equal to the total current fiscal year revenues generated by this act and paid into the state treasury. The county commission shall, within 10 days of receipt of said funds, disburse the funds according to the provisions of Alabama Act 83-480 or other applicable general or local laws.

"(e) In the event that receipts to any county do not reach \$4,200,000.00 and such receipts are supplemented by revenue which would have accrued to the State General Fund in order to reach the guaranteed level of \$4,200,000.00 as provided for in this section, said county, beginning October 1, 1992, shall reimburse the State General Fund for any such revenue received by said county in those fiscal years in which the receipts to that county exceed \$4,200,000.00 by the amount that such receipts exceed \$4,200,000.00 until the State General Fund shall have been reimbursed in full."

Section 3. Section 22-30B-2.2 of the Code of Alabama 1975 is hereby amended as follows:

"§22-30B-2.2.

"For the purpose of providing funds, not to exceed \$4,500,000.00 during any fiscal year of the state, for the Alabama public health finance authority to pay at their respective maturities the principal of premiums, if any, and interest on any bonds issued by it under the provisions of ~~House Bill 114 Act 90-598 of the Regular Session of 1990 or Senate Bill 84 of the Regular Session of 1990~~, there is hereby irrevocably pledged for said above purpose and hereby ~~appropriated~~ designated the annual

amount necessary, not to exceed \$4,500,000.00 during any fiscal year of the state commencing on or after October 1, 1995, from the first receipts after payment of any guarantees in section 22-30B-2.1 of the incremental fees that are levied on the disposal of waste, hazardous waste or hazardous substances pursuant to this act and that were not theretofore appropriated and paid into the general fund of the state of Alabama (i.e., the amount resulting from the incremental fee of \$18.00 per ton for all waste or substances disposed of at each commercial site for the disposal of hazardous waste or hazardous substances and the amount resulting from the additional fee of \$72.00 per ton for all waste and substances which are generated outside of Alabama and disposed of at each commercial site for the disposal of hazardous waste or hazardous substances. The Alabama public health finance authority referred to in this section may be organized pursuant to House Bill 114 Act 90-598 of the Regular Session of 1990 or Senate Bill 84 of the Regular Session of 1990, either of which bills may be enacted before or after this act. Provided, however, if said Alabama public health finance authority is not in existence on July 15, 1990, October 1, 1995, the funds provided for in this section shall be deposited into the state general fund until enactment of legislation establishing the aforementioned Alabama public health finance authority."

Section 4. Section 22-30B-2.3 of the Code of Alabama 1975 is hereby repealed.

Section 5. No commercial site for the disposal of hazardous waste and hazardous substances shall during any fiscal year (defined as October 1 through September 30) receive and dispose of more than 400,000 tons of waste. Provided, however, that the Governor or his designee may allow the disposal of hazardous wastes in excess of the 400,000 ton annual limitation of volume imposed in this section if such action is determined by the Governor or his designee to be necessary to protect human health or the environment in the state. Provided further, if the Governor determines that public awareness of environmental matters may be enhanced by special events or if amnesty or similar programs will promote the protection of human health and the environment of Alabama, then it may exempt any wastes so collected from the limitation of volume provisions of this section. Provided further, the Governor, or his designee, may allow the disposal of hazardous waste in excess of the 400,000 ton annual limitation of volume imposed in this section if such action is necessary to allow the state to comply with its obligations to assure disposal capacity pursuant to applicable state or federal law.

Notwithstanding the foregoing the operator of a commercial site for the disposal of hazardous waste and hazardous substances shall not

be permitted to dispose of any "household waste" as defined in 40 CFR 261.4(b), except residuals from incineration of such waste and household hazardous waste.

Section 6. Section 22-30B-4 of the Code of Alabama 1975 is hereby amended as follows:

"§22-30B-4.

"(a) In addition to all fees levied heretofore or hereafter, expressly including the tax levied in Section 22-30B-2, there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste in the amount of ~~\$.40~~ \$1.90 per ton to be collected by the county and deposited to credit of the general fund of the county wherein such commercial hazardous waste disposal site is located; and all such proceeds of this fee, \$.40 shall be expended for health purposes and the remainder for such purposes as may be appropriated by local act.

"(b) In addition to all other fees levied, there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste in the amount of \$.50 per ton effective October 1, 1991, to be collected by the county and deposited to the credit of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act.

"(c) It is further provided that all provisions relating to the state fee including date of payment, required reporting, penalties, interest, property liens, record keeping, recovery of overpayment and prosecution for violations shall also apply to the county fees levied by this section."

Section 7. For the purpose of providing funds during any fiscal year of the state for the Alabama Hazardous Substance Cleanup Fund commencing on October 1, 1994, and for each subsequent fiscal year, there is hereby designated an amount not to be less than \$3,000,000 from the first receipts after payment of any guarantees in Sections 22-30B-2.1 and 22-30B-2.2 of the fees that are levied on the disposal of waste, hazardous waste or hazardous substances pursuant to this act and that were not theretofore designated and paid into the general fund of the State of Alabama.

Section 8. (a) Commencing on October 1, 1995, \$1,000,000 shall be deposited annually into a trust fund known as the Alabama Hazardous Waste and Hazardous Substances Minimization and Prevention Trust Fund. Such funds shall be available for funding of en-

vironmental research in the areas of hazardous waste production, reduction, transportation, and disposal; capital expenditures to prevent or minimize the production of hazardous waste or substances; employee education/training in the areas of hazardous waste production, reduction, transportation or disposal.

(b) Funds deposited into the Alabama Hazardous Waste and Hazardous Substances Prevention and Minimization Trust Fund shall be made available to generators of hazardous waste and substances. It is further provided that grants approved under said grant program shall require at least a twenty-five percent (25%) match.

(c) Funds deposited during one fiscal year must be awarded by the conclusion of the next fiscal year or shall revert to the Alabama Hazardous Substance Cleanup Fund.

(d) The Alabama Department of Environmental Management is authorized to administer the fund. To enable the Department to administer the fund, the Department:

- (1) Shall have the authority to establish a grant program.
- (2) Shall have the authority to promulgate rules and regulations to implement said grant program and the provisions of this section.
- (3) Shall have the authority to retain three percent of the fund to cover costs associated with administering the fund.
- (4) Shall adopt rules and regulations to administer the fund within 15 months of enactment of this Act.

Section 9. In order to have greater knowledge of the flow and management of all waste received at commercial treatment, storage and disposal facilities, such facilities shall report annually on the types of wastes and amounts of wastes managed at their facility, the states where the waste originated, and the type of treatment, storage or disposal received at the facility. The information shall be submitted in a format and at such time as adopted by ADEM through regulation.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

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Section 12. This Act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Horn, said substitute was laid on the table.

Yeas 18 Nays 13

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, and Waggoner -18

Nays:

Senators:

Amari, Bailey, Bedsole, Corbett, Dial, Ellis, Lipscomb, Little, Owens, Parsons, Smith (B), Smith (J), and Windom -13

Senator Horn then offered the following amendment to the Bill, HB 76, to-wit:

AMENDMENT TO HB 76

Amend House Bill 76 on page 3 by deleting lines 21 and 22 in their entirety and inserting in lieu thereof the following:

""(a) In addition to all other fees levied, and collected prior to the effective date of this act,".

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom -30

Nays:

- 0

Senator Bennett offered the following amendment to the Bill, HB 76, as amended, to-wit:

AMENDMENT TO HB 76, AS AMENDED

Amend House Bill 76, as amended, on page 10 lines 10, 15 and

26, by striking the figure "600,000" and by inserting in lieu thereof the figure "500,000".

On motion of Senator Horn, said amendment was laid on the table.

Yeas 19 Nays 10

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Smith (B), and Waggoner -19

Nays:

Senators:

Amari, Bailey, Bennett, Corbett, Dial, Lipscomb, Little, Owens, Smith (J), and Windom -10

Senator Ghee offered the following amendment to the Bill, HB 76, as amended, to-wit:

AMENDMENT TO HB 76, AS AMENDED

Amend House Bill 76, as amended, on Page 13, Line 17, by adding a new Section 9 as follows and re-numbering all remaining sections:

"Section 9. In addition to all other fees levied herein, there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste or hazardous substances in the amount of \$1.00 per ton on all wastes or substances disposed of at such site, to be deposited and allocated specifically to the Alabama Hazardous Substance Cleanup Fund established by Act No. 88-859, Acts of Alabama, 1988 and codified at §22-30A-1 et seq Code of Alabama 1975, such money to be used for the specific purposes as expressed therein."

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -30

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Barnes and Newton (D) (With Notice and Proof):

H. 10. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 10, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Escott-Russell, Perdue, Spratt, Rogers (J), Barnes, and McClain (With Notice and Proof):

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 30, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Sanderson (With Notice and Proof):

H. 53. Relating to governing bodies of Class I municipalities,

the governing bodies of counties in which Class I municipalities are primarily located, other governing bodies of municipalities in those counties, and certain zoological societies in those counties; to authorize those governing bodies or societies to individually or jointly incorporate and amend articles of incorporation as a public authority for the purpose of leasing, owning, or operating a zoological park, natatorium, or aquarium, or any combination thereof, in the county; to provide for the election and compensation of members of any such authority; to provide for powers, responsibilities, and duties of any such authority and its board of directors; to provide certain tax exemptions and immunity from tort liability to any such authority; to authorize the issuance of revenue bonds and securities by any such authority and to specify sources of revenue for those bonds; to require compliance with the state ethics, competitive bid, access to public records, and public meeting statutes; to specifically authorize an authority to acquire, construct, operate, improve, and finance a zoological park, natatorium, or aquarium, or any combination thereof; to provide for the use of proceeds of any revenue bonds or securities issued by an authority; to exempt the property, income, and securities of any authority from all state and local taxation; and to provide that employees of any authority shall be employed subject to the civil service system and personnel board of any Class I municipality in the same manner as other municipal employees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 53, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Newton (D) and Escott-Russell (With Notice and Proof):

H. 60. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 10, 30, 53, and 60 - to the Committee on Local Legislation
No. 2

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 36. EXPRESSING SUPPORT FOR UNITED STATES SENATE BILL 1002, MAKING IT A FEDERAL CRIME TO LEAVE OR REMAIN OUTSIDE A STATE FOR THE PURPOSE OF AVOIDING PAYMENT OF ARREARAGE IN CHILD SUPPORT.

Also:

HJR 46. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

Also:

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

Also:

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

Also:

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

Also:

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

Also:

H. 91. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

Also:

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

Also:

HJR 69. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

Also:

HJR 71. EXPRESSING APPRECIATION TO MR. HOWARD BRONSON, JR., AND THE MOBILE REGISTER.

Also:

HJR 83. COMMENDING ELDER PHILLIP GARDNER OF MASON MEMORIAL TEMPLE, COGIC, MOBILE, ALABAMA.

Also:

HJR 84. MOURNING THE DEATH OF ROBERT DABNEY SMILEY, JR., OF MONTGOMERY, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 76

The Senate proceeded to further consideration of the Bill, HB 76, as amended.

And said Bill, HB 76, as amended, was read a third time at length and passed.

Yeas 26 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Wilson -26

Nays:

Senators:

Amari, Bennett, Corbett, Dial, Lipscomb, Little, and Windom - 7

Senator Lindsey moved that the Senate reconsider the vote by

which the Bill, HB 76, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF HB 100

The Senate proceeded to further consideration of the Bill, HB 100.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 100, to-wit:

AMENDMENT TO HB 100

Amend HB 100, on page 2, Section 2, line 10 by deleting "40" and inserting in lieu thereof "20"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom

-25

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, HB 100, as amended, to-wit:

AMENDMENT TO HB 100, AS AMENDED

Amend House Bill No. 100, as amended, Page 7 Line 18, as follows:

Delete the entire Section 12 on lines 18 through lines 24 and renumber subsequent sections.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom

-25

Nays:

- 0

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5th Day

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And said Bill, HB 100, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 82 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

Also:

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

Also:

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to

constitute theft of property in the second or third degree.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Floyd, the Senate non-concurred in the following House amendment to the Bill, SB 26, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 26

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-8-4, Code of Alabama 1975, is amended to read as follows:

"§13A-8-4.

"(a) The theft of property which exceeds ~~\$100.00~~ two hundred fifty dollars (\$250) in value but does not exceed ~~\$1,000.00~~ one thousand dollars (\$1,000) in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(b) Theft of property in the second degree is a Class C felony.

"(c) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.

"(d) The theft of a firearm, rifle, or shotgun, regardless of its value, constitutes theft of property in the second degree.

~~"(e) The theft of property which exceeds \$25.00 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.~~

"~~(f)~~ (e) The theft of any substance controlled by chapter 2 of

Title 20 or any amendments thereto, regardless of value, constitutes theft of property in the second degree.

~~"(g)~~ (f) The theft of any livestock which includes cattle, swine, horses, mules, asses, or sheep, regardless of their value, constitutes theft of property in the second degree.

"(g) Notwithstanding subsection (a), the theft of property which exceeds one hundred dollars (\$100) in value but does not exceed one thousand dollars (\$1,000) in value, and which is not taken from the person of another, where the defendant has previously been convicted of a theft of property in the first or second degree, constitutes theft of property in the second degree."

Section 2. Section 13A-8-5, Code of Alabama 1975, is amended to read as follows:

"§13A-8-5.

"(a) Except as provided in subsection (g) of Section 13A-8-4, the theft of property which does not exceed \$100.00 two hundred fifty dollars (\$250) in value and which is not taken from the person of another or the theft of property which does not exceed \$25.00 in value if taken from or in a building where said property is sold or stored constitutes theft of property in the third degree.

"(b) Theft of property in the third degree is a Class A misdemeanor."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and requested a Committee on Conference.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Little, Mitchell, Smith (B), Waggoner, Wilson, and Windom -23

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Floyd, Lindsey, and Parsons.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cullins:

H. 95. To amend Section 16-25-11.5, Code of Alabama 1975,

to reopen the Teachers' Retirement System until a certain date for certain support personnel to purchase certain credit in the system.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 95 - to the Committee on Finance and Taxation

ADJOURNMENT

At 7 o'clock P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Wednesday, September 30, 1992, at 10 o'clock A.M.

SIXTH LEGISLATIVE DAY
WEDNESDAY, SEPTEMBER 30, 1992

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Maryann Lee, Houston Hills Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Hilliard and Sanders for today.

FURTHER CONSIDERATION OF HB 66

The Senate proceeded to further consideration of the Bill:

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

having been postponed on the Fifth Legislative Day, was again taken up.

And said Bill, HB 66, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), and Windom

-25

Nays:

- 0

MOTION TO NON-CONCUR RECONSIDERED

On motion of Senator Floyd, the Senate reconsidered the vote by which the motion to non-concur in the House amendment to the Bill:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

was adopted.

**SECOND EXTRAORDINARY SESSION
6th Day**

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On motion of Senator Floyd, the motion to non-concur was laid on the table.

On motion of Senator Floyd, the Senate concurred in and adopted the House amendment to the Bill, SB 26, which said amendment is set out in the Journal of the Senate for the Fifth Legislative Day.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Lipscomb, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Windom -19

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Venable, Mikell, and McMillan.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 63, the title of which is set out in the foregoing Message from the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis,

Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays: - 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Corbett, Langford, and Bennett.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Haynes:

HJR 94. EXPRESSING LEGISLATIVE INTENT OF ACT NO. 92-498, H. 807, 1992 REGULAR SESSION.

WHEREAS, Act No. 92-498, H. 807, 1992 Regular Session, was approved May 15, 1992; and

WHEREAS, Act No. 92-498 purported to amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session; and

WHEREAS, Act No. 92-498 actually amended Section 4 of Act No. 87-423, H. 882, 1987 Regular Session, relating to the civil service system of the City of Talladega; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Legislature in the enactment of Act No. 92-498, H. 807, to amend Section 4 of Act No. 87-423, H. 882, 1987 Regular Session.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 94, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate Bill and returns same herewith to the Senate:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, SB 22, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 22

Amend Senate Bill No. 22, on Page 2, Line 3, as follows:

Delete the word "evidence" and substitute in lieu thereof the following: evidences

Further amend Senate Bill No. 22, Page 2, Line 9, as follows:

After the word "fear" insert a period and delete the remainder of the sentence on Lines 9 and 10.

Further amend Senate Bill 22, Page 2, Line 13, as follows:

After the word "person" add the following: , or interferes with the freedom of movement of that person

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom

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Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 100. Relating to Baldwin County; to define a coroner's in-

vestigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 18. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

Also:

SJR 22. MOURNING THE DEATH OF ZORA ELMA LANSDELL CAMPBELL OF TOWN CREEK, ALABAMA.

Also:

SJR 23. COMMENDING ARNOLD N. BURGESS AFTER THREE TERMS AS MAYOR OF MIDFIELD.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 16. MOURNING THE DEATH OF THE REVEREND PAUL WAYNE MARTIN.

Also:

**SJR 17. MOURNING THE DEATH OF ANDREW S. FLOYD
OF ANDALUSIA, ALABAMA.**

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Senate concurred in and adopted the following House amendment to the Bill, SB 20, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 20

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 14-8-6 of the Code of Alabama 1975, is amended to read as follows:

"§14-8-6.

"The employer of an inmate involved in work release shall pay the inmate's wages directly to the department of corrections. The department may adopt regulations concerning the disbursement of any earnings of the inmates involved in work release. The department is authorized to withhold from an inmate's earnings ~~such~~ the cost incident to the inmate's confinement as the department shall deem appropriate and reasonable; ~~however, in~~ In no event shall ~~said~~ the withheld earnings exceed ~~25~~ 40 percent of the earnings of the inmate. After all expenses have been deducted by the department, the remainder of the inmate's earnings shall be credited to his or her account with the department. Upon his or her release all moneys being held by the department shall be paid over to the inmate."

Section 2. The net revenues generated by this act are appropriated for the fiscal year ending September 30, 1993 to the Department of Corrections and are supplemental to any and all other prior or subsequent appropriations made.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Waggoner, and Windom -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to

specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Senate concurred in and adopted the following House amendment to the Bill, SB 2, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 2

Amend SB 2 on Page 2, Section 1, Line 8, after the word "Association;" by adding the following language:

the President of the Alabama Lawyers' Association;

Also, on Page 1, Line 33, after the word "Courts;" insert the following language:

a designee of

Also, Page 1, Line 34, after the word "Association" insert the following language:

who shall be a minority circuit judge

Also, on Page 1, Line 34, after the ";" insert the following language:

a designee of

Also, on Page 1, Line 35, after the word "Association" by inserting the following language:

who shall be a minority district judge

Also:

Amend SB 2 on Page 4, Line 15, by deleting Section 7 in its entirety and insert the following:

Section 7. In the event funds are appropriated by the Legislature for the Alabama Criminal Justice System Council on Crime and Punish-

ment or any grants or other assistance are received by the council, then the expenses of the members and all other expenses, including compensation of any persons, secretaries, experts, and consultants may be paid out of the funds appropriated or from any grants or other assistance received as directed by the chair with approval of the council.

Yeas 15 Nays 5

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, Denton, Floyd, Ghee, Horn, Lindsey, Mitchem, Owens, Smith (B), and Windom -15

Nays:

Senators:

Dixon, Ellis, Lipscomb, Little, and Mitchell - 5

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 12. Relating to Butler County; providing for the establish-

ment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

Also:

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

Also:

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

Also:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 76. To amend section 22-3OB-2 of the Code of Alabama

1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-3OB-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-3OB-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-3OB-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-3OB-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-3OB-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 100. Relating to Baldwin County; to define a coroner's in-

vestigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Hall, Freeman, Sanderford, Grayson, Haney, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich,

Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 87. COMMENDING ASTRONAUT JAN DAVIS OF HUNTSVILLE, ALABAMA.

Also:

By Reps. Hooper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 88. COMMENDING DR. REXFORD KENNAMER FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND CONTRIBUTIONS TO THE MEDICAL PROFESSION.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (B), the Rules were suspended and the Resolution, HJR 87, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 88, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate Bill and returns same herewith to the Senate:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Senate concurred in and adopted the following House amendment to the Bill, SB 21, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 21

Amend SB 21 on Page 1, Line 31, after the word "exceed" by striking the following word:

fifteen

and substituting in lieu thereof the following word:

five

Yeas 15 Nays 6

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd, Ghee, Horn, Langford, Lindsey, Mitchell, and Owens -15

Nays:

Senators:

Amari, Corbett, Dixon, Little, Parsons, and Windom - 6

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 46. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited finan-

cial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

GREG PAPPAS,
Clerk.

RESOLUTION

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

SJR 25. CREATING AN INTERIM COMMITTEE TO STUDY THE IMPLEMENTATION OF THE EQUITABLE FUNDING LAWSUIT IN KENTUCKY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study the implementation of the equitable funding lawsuit in Kentucky. The committee shall be composed of one member appointed by the Governor; two Senators appointed by the President of the Senate; two members of the House of Representatives appointed by the Speaker; and one city or county superintendent, one member of the State Board of Education, two employees of the State Board of Education, two principals or assistant principals, and two classroom teachers appointed by the State Superintendent of Education. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of implementation of the equitable educational funding lawsuit in Kentucky.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions,

and recommendations to the Legislature not later than the fifth legislative day of the 1993 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no legislative member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

SJR 21. REQUESTING THE DEPARTMENT OF CORRECTIONS TO NEGOTIATE HOSPITAL CHARGES FOR INMATES.

And on motion of Senator Hale, said Resolution, SJR 21, was adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

HJR 64. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

Also:

HJR 77. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

Also:

HJR 72. DESIGNATING THE STOCKTON HORSESHOE

TOURNAMENT AS THE OFFICIAL CHAMPIONSHIP HORSESHOE
TOURNAMENT FOR THE STATE OF ALABAMA.

Also:

HJR 82. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

And on motion of Senator Hale, the Resolutions, HJR's 64, 77, 72, and 82, were concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 26. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the 1992 Second Special Session only:

	Page
H. 70 Appropriations to general fund and special educ. trust fund for fiscal yr. 1991-92 reduced to prorated amount, excess carried over for fiscal yr. 1992-93	30
H. 27 Corrections Dept., supp. approp.	29
H. 26 Forensic Sciences Dept., Supp., approp.	28
H. 41 Mining Museum, approp.	29
H. 80 Historical Commission, approp.	30
H. 88 Legislative council, approp.	31
H. 39 Northeast Miss.-Northwest Ala. Railroad Authority, inter-state compact	18

**SECOND EXTRAORDINARY SESSION
6th Day**

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| H. 28
Public Safety Dept., criminal history info. on individuals provided for a fee. | 19 |
| H. 29
Criminal cases in mun., dist. cir. court, add. criminal history processing fine, deposit in Public Safety Auto Fingerprint I.D. System Fund, approp. | 24 |
| H. 19
Department of Corrections, approp. would incr. whenever there is a law increasing terms of punishment | 19 |
| H. 14
Drugs, sale within 3 miles of a school, college or educational institution, add'l. penalty repealed, Sec. 13A-12-250 repealed | 20 |

On motion of Senator Hale, the Resolution was adopted by the Senate.

RECESS

At 11:55 A.M., on motion of Senator Hale, the Senate took a recess until 1:30 P.M.

At 1:30 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 70. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992. This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending Sep-

tember 30, 1992 shall be used to reduce proration in that same fiscal year.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 70, to-wit:

AMENDMENT TO HB 70

Amend House Bill 70, on Page 2, Line 13, as follows:

By striking the figure "11" and inserting in lieu thereof the figure "30".

On motion of Senator Horn, said amendment was laid on the table.

Senator Horn then offered the following substitute for the Bill, HB 70, to-wit:

SUBSTITUTE FOR HB 70

A BILL TO BE ENTITLED AN ACT

To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and shall include any amounts subsequently allotted from the Alabama Special Educational Trust Fund pursuant to the 1.5% reduction in proration announced on September 29, 1992 for the fiscal year 1991-92 and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Intent.

It is the intent of the Legislature that any revenue accruing to the State General Fund in excess of that required to fund pending appropriations at the level allotted by the Department of Finance as of September 30, 1992 for the fiscal year ending September 30, 1992 shall be carried forward to the fiscal year beginning October 1, 1992. It is further the

intent of the Legislature that these funds be available to ease fiscal constraints in the fiscal year ending September 30, 1993.

Section 2. It is the intent of the Legislature that any revenue accruing to the Alabama Special Educational Trust Fund in excess of that required to fund pending appropriations at the level allotted by the Department of Finance as of September 30, 1992 for the fiscal year ending September 30, 1992 and any amounts subsequently allotted pursuant to the 1.5% reduction in proration announced by the Governor on September 29, 1992 for the fiscal year 1991-92 shall be carried forward to the fiscal year beginning October 1, 1992.

Section 3. Any appropriation from the State General Fund or from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 to any agency, board, commission, department or other entity is hereby reduced to the above described levels as of September 30, 1992 by the Department of Finance.

Section 4. Any revenue accruing to the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 in excess of the amount required to cover the above amounts from those funds as of September 30, 1992 shall remain in the State General Fund and the Alabama Special Educational Trust Fund and shall be carried forward to be available for the fiscal year beginning October 1, 1992.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Waggoner, Wilson, and Windom -18

Nay: Senator Parsons

- 1

And said Bill, HB 70, as amended by the substitute, was read a third time at length and passed.

Yeas 21 Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon,

Ellis, Figures, Floyd, Foshee, Horn, Langford, Lipscomb, Mitchell,
Owens, Smith (J), Waggoner, Wilson, and Windom -21

Nay: Senator Parsons

- 1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

Also:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

Also:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

Also:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

Also:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide

for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Also:

S. 46. To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 16. MOURNING THE DEATH OF THE REVEREND PAUL WAYNE MARTIN.

Also:

SJR 17. MOURNING THE DEATH OF ANDREW S. FLOYD OF ANDALUSIA, ALABAMA.

Also:

SJR 18. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

Also:

SJR 22. MOURNING THE DEATH OF ZORA ELMA LANSDELL CAMPBELL OF TOWN CREEK, ALABAMA.

Also:

SJR 23. COMMENDING ARNOLD N. BURGESS AFTER THREE TERMS AS MAYOR OF MIDFIELD.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

Also:

HJR 94. EXPRESSING LEGISLATIVE INTENT OF ACT NO. 92-498, H. 807, 1992 REGULAR SESSION.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 27. To make a supplemental appropriation to the Depart-

ment of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, HB 27, was postponed subject to the call of the Chair.

THE BILL:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 26, to-wit:

SUBSTITUTE FOR HB 26

**A BILL
TO BE ENTITLED
AN ACT**

To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$851,150 for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the State General Fund to the Department of Forensic Sciences for the Forensic Science Services Program the sum of Eight hundred fifty-one thousand, one hundred fifty dollars (\$851,150) for the fiscal year ending September 30, 1993.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of law which conflict with this Act are hereby specifically repealed.

Section 4. This Act shall become effective October 1, 1992.

On motion of Senator Owens, said substitute was laid on the table.

Senator Owens then offered the following substitute for the Bill, HB 26, to-wit:

SUBSTITUTE FOR HB 26

**A BILL
TO BE ENTITLED
AN ACT**

To make a supplemental appropriation from the State General Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1993 and in addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the State General Fund to the Department of Forensic Sciences the sum of six hundred forty-six thousand dollars (\$646,000), which shall be expended for the operations of the Department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Foshee, said substitute was laid on the table.

And said Bill, HB 26, was read a third time at length and passed.

Yeas 23 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom

-23

Nay: Senator Floyd

- 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 88. COMMENDING DR. REXFORD KENNAMER FOR

OUTSTANDING PROFESSIONAL ACHIEVEMENT AND CONTRIBUTIONS TO THE MEDICAL PROFESSION.

Also:

HJR 87. COMMENDING ASTRONAUT JAN DAVIS OF HUNTSVILLE, ALABAMA.

Also:

HJR 82. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

Also:

HJR 77. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

Also:

HJR 72. DESIGNATING THE STOCKTON HORSESHOE TOURNAMENT AS THE OFFICIAL CHAMPIONSHIP HORSESHOE TOURNAMENT FOR THE STATE OF ALABAMA.

Also:

HJR 64. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 27

The Senate proceeded to further consideration of the Bill, HB 27.

Senator Corbett offered the following amendment to the Bill, HB 27, to-wit:

AMENDMENT TO HB 27

Amend House Bill No. 27 Page 1 Line 30, as follows:

After the period (.) Delete the sentence beginning with the word "It" and ending on line 33 with the word "feasible." and insert in lieu thereof the following:

"The Easterling Correctional Facility in Barbour County shall be reopened no later than January 1, 1993; provided no additional personnel will be laid off from other correctional facilities."

Which was adopted.

Yeas 23 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Wilson, and Windom -23

Nay: Senator Dixon

- 1

And said Bill, HB 27, as thus amended, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

RESOLUTION

Senator Ellis offered the following Senate Joint Resolution, to-wit:

SJR 27. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, on Thursday, October 8, 1992, the University of Montevallo will celebrate its 96th Annual Founders Day by the inauguration of Dr. Robert M. McChesney as its 13th President; and

WHEREAS, the University has a unique role in Alabama higher education, with its focus as a public liberal arts university, and historically has pioneered many Alabama education initiatives from its founding in 1896 as a public institution for women's education; and

WHEREAS, the University has had a long and distinguished line of educators who have served as President, and Dr. McChesney joins this line with an impressive record of academic and civic credentials and service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby extend our sincere congratulations and best wishes to Dr. Robert M. McChesney, his wife Laraine, the Board of Trustees, Faculty, Staff, Students, Alumni and friends of the University of Montevallo on the occasion of the inauguration of Dr. McChesney as the thirteenth President of the University.

BE IT FURTHER RESOLVED, That as a token of our respect, best wishes, and desire to work closely with Dr. McChesney and the University, a copy of this resolution shall be presented to him.

On motion of Senator Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 41, to-wit:

SUBSTITUTE FOR HB 41

A BILL TO BE ENTITLED AN ACT

To make supplemental appropriations from the State General Fund to the Alabama Mining Museum and to the Alabama Mining Academy

for the fiscal year ending September 30, 1993

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the State General Fund to the Alabama Mining Museum the sum of fifty thousand dollars (\$50,000) for the fiscal year ending September 30, 1993. There is hereby appropriated from the State General Fund to the Alabama Mining Academy the sum of one hundred twenty-five thousand dollars (\$125,000) for the fiscal year ending September 30, 1993. The appropriations herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Mining Museum and to the Alabama Mining Academy.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

And said Bill, HB 41, as amended by the substitute, was read a third time at length and passed.

Yeas 24 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Ellis, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom
-24

Nay: Senator Dixon

- 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 80. To amend Section 9-11-417 of the Code of Alabama

1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating

to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 80, to-wit:

AMENDMENT TO HB 80

Amend House Bill 80, on Page 1, Line 19, after the word "Capitol" by inserting the following: "and to make an appropriation to the Military Department".

Further amend House Bill 80 on page 1, after line 26 by inserting the following new Sections 2 and 3 and renumbering all subsequent sections accordingly:

"Section 2. There is hereby appropriated for the fiscal year ending September 30, 1993, \$575,000 from the State General Fund to the Military Department.

Section 3. The provisions of this Act are severable. If any section or part hereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

On motion of Senator Dial, said amendment was laid on the table.

Senator Dial then offered the following amendment to the Bill, HB 80, to-wit:

AMENDMENT TO HB 80

Amend House Bill 80, on Page 1, Line 20, after the word

"Capitol" by inserting the following: "and to make an appropriation to the Military Department".

Further amend House Bill 80 on page 1, after line 27 by inserting the following new Sections 2 and 3 and renumbering all subsequent sections accordingly:

"Section 2. There is hereby appropriated for the fiscal year ending September 30, 1993, \$295,000 from the State General Fund to the Military Department.

Section 3. The provisions of this Act are severable. If any section or part hereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 70. To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and shall include any amounts subsequently allotted from the Alabama Special Educational Trust Fund pursuant to the 1.5% reduction in proration announced on September 29, 1992 for the fiscal year 1991-92 and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to further consideration of the Bill, HB 80. The question was on the Dial amendment.

RECESS

At 3:40 P.M., on motion of Senator Corbett, the Senate took a recess subject to the call of the Chair.

At 4:25 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication

districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 15. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 70. To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and shall include any amounts subsequently allotted from the Alabama Special Educational Trust Fund pursuant to the 1.5% reduction in proration announced on September 29, 1992 for the fiscal year 1991-92 and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate,

signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 27. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 27. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 41. To make supplemental appropriations from the State General Fund to the Alabama Mining Museum and to the Alabama Mining Academy for the fiscal year ending September 30, 1993

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

Also:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

Also:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

Also:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

Also:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to further consideration of the Bill, HB 80. The question was on the Dial amendment.

And said amendment was then adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Figures, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 41. To make supplemental appropriations from the State

General Fund to the Alabama Mining Museum and to the Alabama Mining Academy for the fiscal year ending September 30, 1993

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 27. To make a supplemental appropriation to the Depart-

ment of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to further consideration of the Bill, HB 80, as amended.

Senator Corbett offered the following amendment to the Bill, HB 80, as amended, to-wit:

AMENDMENT TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, after the number "1993" by inserting the following:

"and to make an appropriation from the Historical Commission's share of funds from the Transco Settlement to the Department of Indian Affairs";

Further amend on page 1, after line 26 by inserting the following:

"Any other law to the contrary notwithstanding, there is hereby appropriated from the Historical Commission's share of funds received from the Transco Settlement to the Department of Indian Affairs, the sum of two hundred fifty thousand (\$250,000) for the fiscal year ending September 30, 1993.

MOTION TO ADJOURN LOST

Senator Barron moved that the Senate adjourn sine die, which motion was lost.

Yeas 2 Nays 25

Yeas:

Senators:

Barron and Little

- 2

Nays:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale,
Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J),
Waggoner, Wilson, and Windom

-25

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to further consideration of the Bill, HB 80, as amended. The question was on the Corbett amendment.

On motion of Senator Corbett, said amendment was laid on the table.

Senator Corbett then offered the following amendment No. 2, to the Bill, HB 80, as amended, to-wit:

AMENDMENT NO. 2 TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, after the number "1993" by inserting the following:

"and to make an appropriation from the Historical Commission's share of funds from the Transco Settlement to the Department of Indian Affairs";

Further amend on page 1, after line 26 by inserting the following:

"Any other law to the contrary notwithstanding, there is hereby appropriated from the Historical Commission's share of funds received from the Transco Settlement to the Department of Indian Affairs, the sum of two hundred fifty thousand (\$250,000) for the fiscal year ending September 30, 1993.

Provided however none of the appropriation referenced in this bill shall be taken from funds previously allocated to the First Congressional District and Choctaw County.

Senator Dial moved that said amendment be laid on the table, which motion was lost.

Yeas 10 Nays 12

Yeas:

Senators:

Barron, Bolling, Denton, Dial, Dixon, Ellis, Hale, Mitchem, Owens,
and Waggoner -10

Nays:

Senators:

Bailey, Campbell, Corbett, Figures, Floyd, Ghee, Langford, Lindsey,
Lipscomb, Little, Parsons, and Windom -12

And said amendment was then adopted.

Yeas 14 Nays 7

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Corbett, Figures, Ghee, Langford,
Lindsey, Lipscomb, Little, Mitchell, Owens, and Windom -14

Nays:

Senators:

Barron, Bolling, Denton, Dial, Dixon, Mitchem, and Waggoner - 7

Senator Parsons offered the following amendment to the Bill, HB
80, as amended, to-wit:**AMENDMENT TO HB 80, AS AMENDED**Amend House Bill 80, as amended, on page 1 after line 26 by
inserting the following language:"Section 4. Notwithstanding any provision of the Alabama Consti-
tution of 1901, as amended, the Legislature deems all provisions of this
bill constitutional."

Which was adopted.

Yeas 14 Nays 5

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, Dial, Dixon, Floyd, Hale,
Langford, Lindsey, Mitchem, Parsons, and Windom -14

Nays:

Senators:

Denton, Ellis, Little, Mitchell, and Waggoner - 5

Senator Ellis offered the following amendment to the Bill, HB 80,
as amended, to-wit:

AMENDMENT TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, line 26 after the word "Capitol" by inserting the following:

"and of the amount appropriated, \$125,000 shall be expended for the restoration and stabilization of historic structures and ironworks at Tannehill and Brierfield State Parks"

Which was adopted.

Yeas 19 Nays 3

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Langford, Mitchem, Owens, Parsons, Smith (J), and Waggoner -19

Nays:

Senators:

Bedsole, Mitchell, and Windom

- 3

Senator Ellis moved that the Senate reconsider the vote by which the Ellis amendment was adopted.

Senator Ellis then moved that said amendment be laid on the table, which motion was adopted.

MOTION TO RECESS LOST

At 5:45 P.M., Senator Hale moved that the Senate take a recess until 7:30 P.M., which motion was lost.

Yeas 11 Nays 14

Yeas:

Senators:

Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Floyd, Hale, Langford, Mitchem, and Parsons -11

Nays:

Senators:

Amari, Bailey, Bolling, Corbett, Denton, Ellis, Ghee, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, and Windom -14

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to consideration of the Bill, HB 80, as amended.

Senator Smith (J) offered the following amendment to the Bill, HB 80, as amended, to-wit:

AMENDMENT TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, line 19 after the word "Capitol" by adding the words "and to Huntsville Land Trust".

Further amend on page 1, after line 26, by adding:

"\$125,000 from Transco funds available to the Alabama Historical Commission for the Huntsville Land Trust for trail acquisition".

On motion of Senator Dixon, said amendment was laid on the table.

Yeas 14 Nays 8

Yeas:

Senators:

Bedsole, Corbett, deGraffenried, Denton, Dixon, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Waggoner, and Windom -14

Nays:

Senators:

Barron, Bolling, Dial, Ellis, Ghee, Mitchem, Owens, and Smith (J) - 8

Senator Bailey offered the following amendment to the Bill, HB 80, as amended, to-wit:

AMENDMENT TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, after line 26, by inserting the following new Section 2 and by renumbering the remaining sections accordingly:

"Section 2. It is the intent of the Legislature that the expenditure of any portion of funds available to the Historical Commission by the Transco Settlement shall first be appropriated by an act of the Legislature."

On motion of Senator Dixon, said amendment was laid on the table.

Yeas 16 Nays 9

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd,

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Hale, Langford, Lindsey, Lipscomb, Mitchell, Parsons, Waggoner, and Windom -16

Nays:

Senators:

Bailey, Barron, Corbett, Dial, Ghee, Little, Mitchem, Owens, and Smith (J) - 9

Senator Barron offered the following amendment to the Bill, HB 80, as amended, to-wit:

AMENDMENT TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, after line 26 by inserting the following new section:

"Section 4. There is hereby appropriated \$125,000 to the Alabama Historical Commission for Cathedral Caverns in Marshall County and \$125,000 for an Indian Museum in Sequoia Caverns in DeKalb County from any Transco funds available to the Commission for the fiscal year ending September 30, 1993."

Further amend on page 1, line 19 after the word "Capitol" by adding:

"and the Cathedral Caverns in Marshall County and the Indian Museum in Sequoia Caverns in DeKalb County".

On motion of Senator Bedsole, said amendment was laid on the table.

Yeas 13 Nays 10

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Floyd, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Waggoner, and Windom -13

Nays:

Senators:

Barron, Bennett, Bolling, Corbett, Dial, Ellis, Ghee, Mitchem, Owens, and Smith (J) -10

MOTION TO RECESS LOST

At 6:15 P.M., Senator Hale moved that the Senate take a recess until 8:15 P.M., which motion was lost.

Yeas 13 Nays 14

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Dixon, Floyd,
Ghee, Hale, Langford, Lindsey, and Parsons -13

Nays:

Senators:

Amari, Bailey, Corbett, Denton, Ellis, Foshee, Lipscomb, Little,
Mitchell, Mitchem, Owens, Smith (J), Waggoner, and Windom -14

MOTION TO ADJOURN LOST

At 6:16 P.M., Senator Barron moved that Senate adjourn until Thursday, October 1, 1992, at 9 o'clock A.M., which motion was lost.

Yeas 4 Nays 25

Yeas:

Senators:

Barron, Ghee, Lindsey, and Little - 4

Nays:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried,
Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford,
Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner,
Wilson, and Windom -25

RECESS

At 6:20 P.M., on motion of Senator Hale, the Senate took a recess until 7:35 P.M.

At 7:35 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to consideration of the Bill, HB 80, as amended.

On motion of Senator Parsons, the Rules were suspended and further consideration of the Bill, HB 80, as amended, was postponed temporarily.

REPORTS OF COMMITTEES

Senator Hilliard, Chairperson of the Standing Committee on Local

Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Escott-Russell, Perdue, Spratt, Rogers (J), Barnes, and McClain (With Notice and Proof):

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

By Reps. Barnes and Newton (D) (With Notice and Proof):

H. 10. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

By Reps. Newton (D) and Escott-Russell (With Notice and Proof):

H. 60. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

By Reps. Escott-Russell, Newton (D), and McClain (With Notice and Proof):

H. 81. To authorize Class 1 municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

By Reps. Hawkins and Biddle (With Notice and Proof):

H. 5. To alter or rearrange the boundary lines of the City of

Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

By Rep. Sanderson (With Notice and Proof):

H. 53. Relating to governing bodies of Class I municipalities, the governing bodies of counties in which Class I municipalities are primarily located, other governing bodies of municipalities in those counties, and certain zoological societies in those counties; to authorize those governing bodies or societies to individually or jointly incorporate and amend articles of incorporation as a public authority for the purpose of leasing, owning, or operating a zoological park, natatorium, or aquarium, or any combination thereof, in the county; to provide for the election and compensation of members of any such authority; to provide for powers, responsibilities, and duties of any such authority and its board of directors; to provide certain tax exemptions and immunity from tort liability to any such authority; to authorize the issuance of revenue bonds and securities by any such authority and to specify sources of revenue for those bonds; to require compliance with the state ethics, competitive bid, access to public records, and public meeting statutes; to specifically authorize an authority to acquire, construct, operate, improve, and finance a zoological park, natatorium, or aquarium, or any combination thereof; to provide for the use of proceeds of any revenue bonds or securities issued by an authority; to exempt the property, income, and securities of any authority from all state and local taxation; and to provide that employees of any authority shall be employed subject to the civil service system and personnel board of any Class I municipality in the same manner as other municipal employees.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Morrow:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favor-

able report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 67. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

was taken up.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 88, was postponed temporarily.

THE BILL:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Owens, and Windom -20

Nays:

- 0

THE BILL:

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropri-

tion from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

was read a third time at length and passed.

Yeas 18 Nays 1

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lipscomb, Little, Owens, Parsons, and Windom -18

Nay: Senator Amari

- 1

THE BILL:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

was taken up.

Senator Windom offered the following substitute for the Bill, HB 29, to-wit:

SUBSTITUTE FOR HB 29

A BILL TO BE ENTITLED AN ACT

To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and the Court Automation Fund and to provide appropriations therefrom.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other costs, fees, or fines prescribed by law, each person convicted of a crime in a municipal, district or circuit court, except traffic cases which do not involve driving under the influence of alcohol or controlled substances as set out in

Section 32-5A-191, Code of Alabama 1975, and conservation cases and juvenile cases shall be assessed a criminal history processing fee of ten dollars. Such assessment shall be automatically assessed by the Clerk of the Court upon conviction.

Section 2. There is created in the State Treasury a fund to be designated as the Public Safety Automated Fingerprint Identification System Fund and a fund to be designated as the Court Automation Fund. Seven dollars of each additional fee collected pursuant to this act shall be deposited into the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund and three dollars to the Court Automation Fund. All money deposited in the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund shall be expended for operations and maintenance of the Automated Fingerprint Identification System. All money deposited in the State Treasury Court Automation Fund shall be expended for equipment, operations, supplies, maintenance, and training related to court automation, court cost collection and the timely and efficient processing of court cases. No money shall be withdrawn or expended from these funds for any purpose unless the money has been allotted and budgeted in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the general appropriations bill or other appropriation bills.

Section 3. In addition to any and all other funds heretofore or hereinafter appropriated to the Department of Public Safety, there is hereby appropriated from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety, for the fiscal year ending September 30, 1993, the sum of nine hundred thousand dollars (\$900,000). The appropriation provided in this section shall be expended for operations and maintenance of the Automated Fingerprint Identification System. In addition to any and all other funds heretofore or hereinafter appropriated to the Unified Judicial System, there is hereby appropriated from the Court Automation Fund to the Unified Judicial System, for the Fiscal Year ending September 30, 1993, the sum of four hundred thousand dollars (\$400,000) for expenditures authorized for this fund.

Section 4. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon,

Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little,
Owens, Parsons, and Windom -20

Nays: - 0

And said Bill, HB 29, as amended by the substitute, was read a
third time at length and passed.

Yeas 20 Nays 2

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Dixon, Ellis,
Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell,
Owens, Parsons, Waggoner, and Windom -20

Nays:

Senators:

Amari and Corbett - 2

BILLS ON THIRD READING RESUMED

THE BILL:

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

was taken up.

Senator Bedsole offered the following substitute for the Bill, HB 19, to-wit:

SUBSTITUTE FOR HB 19

A BILL TO BE ENTITLED AN ACT

To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) No bill that would result in a net increase in

periods of imprisonment in facilities of the Department of Corrections may be enacted unless it provides either in such bill or separate bill or bills enacted a source of additional revenue and an appropriation therefrom to the Department of Corrections in the amount of the estimated annual operating costs that would be incurred by the Department of Corrections pursuant to the bill.

(b) "Estimated Annual Operating Costs," as used in this act, means the amount of additional expenditures the Department of Corrections will incur because of the act, as contained in the fiscal note, prepared by the Legislative Fiscal Office.

(c) When preparing a fiscal note on a bill that would result in a net increase in periods of imprisonment in facilities operated by the Department of Corrections, the Legislative Fiscal Office shall calculate the estimated annual operating costs of the act. In making the estimate, the office shall exclude capital costs and shall calculate the amount based on the cost of the act in current dollars.

Section 2. Any law enacted without the funding required by this act shall be null and void.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17 Nays 2

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Denton, Dixon, Floyd, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Waggoner, and Windom

-17

Nays:

Senators:

Ellis and Lipscomb

- 2

And said Bill, HB 19, as amended by the substitute, was read a third time at length and passed.

Yeas 19 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dixon, Floyd,
Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell,
Owens, Parsons, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 14. To amend Section 13A-12-250, Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within a certain distance of a school, college, university, or other educational institution; to further provide for the distance within which the section applies.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, HB 14, to-wit:

AMENDMENT TO HB 14

Amend House Bill No. 14 Page 1 Line 33, as follows:

By deleting the words "one thousand feet" and inserting "three hundred feet" in lieu thereof.

On motion of Senator Floyd, said amendment was laid on the table.

And said Bill, HB 14, was read a third time at length and lost.

Yeas 9 Nays 14

Yeas:

Senators:

Bedsole, Bennett, Ellis, Floyd, Hale, Horn, Lindsey, Owens, and
Waggoner - 9

Nays:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ghee,
Lipscomb, Little, Mitchell, Parsons, and Windom -14

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

The Committee of Conferees appointed to reconcile the differences between the two Houses concerning House Bill 63 have met, considered the matter, and agreed to the following:

Amendment to HB 63 is attached.

MIKE MIKELL,
JACK B. VENABLE,
STEVE MCMILLAN,
Conferees of the House.

CHARLES D. LANGFORD,
JIM BENNETT,
DANNY CORBETT,
Conferees of the Senate.

CONFERENCE COMMITTEE AMENDMENT TO HB 63

Amend HB 63 by placing a comma after the word "fees" on page 2, line 14 and adding after such comma and before the word "for" on page 2, line 14 the following:

annually not to exceed \$25.00 on each residence and \$50.00 on each business located within the county,

Further amend HB 63 by striking all of that portion of Section 1 beginning with the word "which" on page 2, line 15 through the word "and" on page 2, line 16 and substituting in lieu thereof the words such local law

And said Bill, HB 63, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 63, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Langford, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 63, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, and Parsons -25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rockhold, Turner, McMillan, Gaston, Kvalheim, Harper, Penry, Blakeney, Mikell, Box, Buskey (JE), White, and Millican:

H. 73. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 73 - to the Committee on Agriculture, Conservation, and Forestry

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 12	SJR 17	SB 20
SB 13	SJR 18	SB 21
SB 15	SJR 22	SB 22
SB 52	SJR 23	SB 25
SB 26	SB 2	SB 46
SJR 16		

Delivered to the Governor, September 30, 1992, at 3:40 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 8:10 P.M., on motion of Senator Hale, the Senate adjourned until Thursday, October 1, 1992, at 9 o'clock A.M.

SEVENTH LEGISLATIVE DAY
THURSDAY, OCTOBER 1, 1992

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Mr. Walter Chapman, the Governor's Legislative Liaison.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Keith Charles, Houston Hills Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Wilson

-28

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Figures, Floyd, Mitchem, Sanders, Smith (B), and Windom for today.

BILLS ON THIRD READING

Senator Hilliard requested and received permission to suspend the Rules in order to bring up the Bill:

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

And said Bill, HB 30, was read a third time at length and passed.

Yeas 5 Nays 3
Abstaining 3

Yeas:

Senators:

Bennett, Hale, Hilliard, Horn, and Waggoner - 5

Nays:

Senators:

Amari, Ellis, and Parsons - 3

Abstaining:

Senators:

Bailey, Dixon, and Little - 3

The President and Presiding Officer of the Senate declared a quorum present but not voting.

Senator Hilliard moved that the Senate reconsider the vote by which the Bill, HB 30, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Senator Hilliard then requested and received permission to suspend the Rules in order to bring up the Bill:

H. 10. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

On motion of Senator Parsons, the Rules were suspended and further consideration of the Bill, HB 10, was postponed subject to the call of the Chair.

BILL RECONSIDERED

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, HB 14, was lost.

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, HB 14, was ordered to its third reading.

On motion of Senator Parsons, the Rules were suspended and further consideration of the Bill, HB 14, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF HB 10

The Senate proceeded to further consideration of the Bill, HB 10.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication

districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 27. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 10

The Senate proceeded to further consideration of the Bill, HB 10.

On motion of Senator Hilliard, the Rules were suspended and further consideration of the Bill, HB 10, was postponed temporarily.

BILLS ON THIRD READING RESUMED

Senator Hilliard requested and received permission to suspend the Rules in order to bring up the Bill:

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

And said Bill, HB 5, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (J), and Waggoner -25

Nays:

- 0

Senator Hilliard moved that the Senate reconsider the vote by which the Bill, HB 5, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 28. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the seventh legislative day of the 1992 Second Special Session only:

	Page
H. 80	26
Historical Commission, approp.	
H. 88	26
Legislative council, approp.	
H. 47	22
Drivers licenses, renewal notices, deletion, notification and grace period for nonrenewal, Sec. 32-6-1 am'd.	

SECOND EXTRAORDINARY SESSION
7th Day

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H. 4	25
Alabama Education Foundation for Kindergarten, created, operation, constitutions, grants, etc. provided.	
H. 15	20
Controlled substances, sale of within one-half mile of housing project, prohib., Sec. 13A-12-270 am'd.	
H. 82	35
Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.	
H. 12	19
Habitual offenders, range of sentences, review of cert. sentences to life without parole, Sec. 13A-5-9 am'd.	
H. 90	27
Alabama Symphony, Approp.	
H. 67	35
Emergency medical services, approp.	
H. 68	17
Alabama Public School and College Auth., bond sale auth. to finance settlement with Alabama A&M and ASU in desegregation lawsuit.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

Senators Foshee, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

SR 29. WISHING GOVERNOR GEORGE C. WALLACE A SPEEDY RECOVERY.

WHEREAS, it is with deep regret that the Alabama Senate notes the hospitalization of Governor George C. Wallace, and the seriousness of his illness which is a cause of much concern to all citizens of the State; and

WHEREAS, we are encouraged, however, that Governor Wallace

is continuing to display the determination and fighting spirit he has shown in the years since an attempted assassination left him in constant pain, and subject to recurring infections and other illnesses; and

WHEREAS, we further wish to assure the Governor and all his family that our thoughts and prayers are with them during this time of such great distress, and that we earnestly beseech for him the speediest possible recovery; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby extend to Governor George Wallace our sincere best wishes during his illness and express our hopes that he will shortly be leaving the hospital to continue his recuperation at home.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace's family that they may personally convey our thoughts to him, and know also of our concern for them.

On motion of Senator Foshee, the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

having been postponed on the Sixth Legislative Day, as amended, which said amendments are set out in the Journal of the Senate for the Sixth Legislative Day, was again taken up.

Senator Ellis offered the following amendment No. 2 to the Bill, HB 80, as amended, to-wit:

AMENDMENT NO. 2 TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, after line 27 by inserting the following:

"Any other law to the contrary notwithstanding, there is hereby appropriated from the interest earned on the Historical Commission's

share of the Transco Settlement monies, the sum of one hundred sixty thousand dollars (\$160,000) to the Tannehill Furnace and Foundry Commission for renovation, restoration, and stabilization of facilities and ironworks, with said appropriation including \$35,000 for acquisition, restoration and renovation of the Janney Iron Works and the balance to Tannehill and Brierfield State Parks.

Which was adopted.

Yeas 11 Nays 10

Yeas:

Senators:

Amari, Bennett, Bolling, Corbett, Ellis, Ghee, Hilliard, Little, Owens, Parsons, and Smith (J) -11

Nays:

Senators:

Bailey, Bedsole, deGraffenried, Dial, Dixon, Foshee, Hale, Horn, Langford, and Lindsey -10

Senator Little offered the following amendment to the Bill, HB 80, as amended, to-wit:

AMENDMENT TO HB 80, AS AMENDED

Amend House Bill No. 80, as amended, Page 1, Line 27, as follows: by inserting the following:

"In addition, any other law to the contrary notwithstanding, there is hereby appropriated from the Historical Commission's share of the Transco Settlement, the sum of thirty-five (\$35,000) for the Tallapoosa County Historical Society for the fiscal year ending September 30, 1993."

Which was adopted.

Yeas 9 Nays 7

Yeas:

Senators:

Bailey, Bennett, Corbett, Dial, Ellis, Foshee, Ghee, Little, and Smith (J) - 9

Nays:

Senators:

Dixon, Hale, Lindsey, Lipscomb, Mitchell, Parsons, and Waggoner - 7

The President and Presiding Officer of the Senate declared a quorum present but not voting.

Senator Smith (J) offered the following amendment No. 2 to the Bill, HB 80, as amended, to-wit:

AMENDMENT NO. 2 TO HB 80, AS AMENDED

Amend House Bill 80, as amended, on page 1, line 20 after the Corbett Senate amendment by adding:

"and \$130,000 from any Transco Settlement Funds available to the Alabama Historical Commission for the Huntsville Land Trust for trail acquisition."

Further amend on page 1 after line 26 after the Corbett Senate amendment by adding:

"and \$130,000 from any Transco Settlement Funds available to the Alabama Historical Commission for the Huntsville Land Trust for trail acquisition."

Which was adopted.

Yeas 11 Nays 6

Yeas:

Senators:

Bailey, Barron, Bedsole, Corbett, Dixon, Ellis, Foshee, Ghee, Langford, Little, and Smith (J) -11

Nays:

Senators:

deGraffenried, Hale, Lindsey, Lipscomb, Mitchell, and Parsons - 6

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

Also:

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

Also:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 80

The Senate proceeded to further consideration of the Bill, HB 80, as amended.

Senator deGraffenried offered the following substitute for the Bill, HB 80, as amended, to-wit:

SUBSTITUTE FOR HB 80, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Alabama Historical Commission for capital outlay for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of five hundred thousand dollars (\$500,000), out of the funds in the State General Fund to the Alabama Historical Commission for capital outlay.

Section 2. This act shall become effective October 1, 1992.

Senator deGraffenried then offered the following substitute No. 2 for the substitute for the Bill, HB 80, as amended, to-wit:

SUBSTITUTE NO. 2 FOR SUBSTITUTE FOR HB 80, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of five hundred thousand dollars (\$500,000), out of the funds in the State General Fund to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol.

Section 2. This act shall become effective October 1, 1992.

Which was adopted.

Yeas 18 Nays 8

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Parsons, and Waggoner -18

Nays:

Senators:

Bennett, Corbett, Ellis, Ghee, Little, Owens, Smith (J), and Wilson - 8

And said substitute, as amended by the substitute, was adopted.

Yeas 22 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and Waggoner -22

Nays:

Senators:

Smith (J) and Wilson - 2

And said Bill, HB 80, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, and Wilson -23

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 29. To levy upon each person convicted of a crime in a

municipal, district or circuit court a criminal history processing fee; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and the Court Automation Fund and to provide appropriations therefrom.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and the Court Automation Fund and to provide appropriations therefrom.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill:

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

Senator Corbett offered the following amendment to the Bill, HB 90, to-wit:

AMENDMENT TO HB 90

Amend House Bill 90 on page 1, lines 10 and 18, after the figure "1993", by inserting the following language:

"and to provide that the last two quarterly allotments of this appropriation shall not be released until the Alabama Symphony receives additional private contributions or funding in fiscal year 1992-93."

Further amend the bill on page 1, after line 24 by inserting the following new section and renumbering all subsequent sections accordingly:

"Section 2. The last two quarterly allotments of this appropriation shall not be released to the Alabama Symphony until the Symphony's Board certifies to the Director of Finance that the private contributions and any other non-state sources of funds available to the Symphony in fiscal year 1992-93 will total at least \$1,000,000."

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and Waggoner -22

Nays:

- 0

And said Bill, HB 90, as thus amended, was read a third time at length and lost, for failure to receive the required two-thirds vote of those elected.

Yeas 16 Nays 5

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Mitchell, and Waggoner -16

Nays:

Senators:

Bolling, Ellis, Lindsey, Owens, and Parsons

- 5

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Senate concurred in and adopted the following House amendment to the Bill, SB 19, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 19

On page 1, line 25, in the title, delete the numbers "40-17-50" and insert in lieu thereof the following:

40-17-150

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton,

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Dial, Dixon, Ellis, Foshee, Ghee, Horn, Langford, Lipscomb, Little,
Mitchell, Owens, Parsons, Smith (J), and Waggoner -21

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 43. To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Senate concurred in and adopted the following House amendment to the Bill, SB 43, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 43

Amend Senate Bill 43 on page 1 by deleting lines 23 and 24 in their entirety and inserting in lieu thereof the following:

"General Fund to the Military Department the sum of two hundred eighty thousand dollars (\$280,000) for the fiscal year ending".

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton,
Dial, Dixon, Ellis, Ghee, Horn, Langford, Lindsey, Lipscomb, Little,
Mitchell, Owens, Parsons, and Waggoner -20

Nays: - 0

RESOLUTION

Senators Corbett, Bailey, Bedsole, Parsons, Langford, Dial,
Waggoner, Owens, Bolling, Foshee, Dixon, Campbell, Lipscomb, Ellis,

Little, Lindsey, Mitchell, deGraffenried, Amari, Denton, Horn, and Ghee requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 30. CREATING AN INTERIM COMMITTEE TO STUDY THE TRANSCO OIL FUNDS MANAGED BY THE ALABAMA HISTORICAL COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Interim Committee to Study the Transco Oil Settlement. The Committee shall be composed of five state Senators appointed by the Lieutenant Governor, and five members of the House of Representatives, appointed by the Speaker of the House.

The Committee shall study the issues involved in the settlement between the State of Alabama and Transco Oil, particularly the limitations placed upon the use of funds awarded the state pursuant to such settlement.

The Committee shall meet as soon after their appointment as practicable and choose one of their members as chairperson and another as vice-chairperson. The Committee shall report their findings to the full Legislature by the 15th legislative day of the 1993 Regular Session.

Members of such committee shall be entitled to receive their normal per diem and expense allowances on committee meeting days. Provided, however, that such committee shall not expend more than \$5,000 on meetings during its existence. Upon request of its chairperson, the Secretary of the Senate and the Clerk of the House shall provide meeting space and clerical assistance as may be necessary for the committee's work.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 11:50 A.M., on motion of Senator deGraffenried, the Senate took a recess until 1:15 P.M.

At 1:15 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas,

Turner, Turnham, Venable, Walker, Warren, Williams, Willis, and Zoghby:

HJR 103. WISHING GOVERNOR GEORGE C. WALLACE A SPEEDY RECOVERY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Knight, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 99. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the

Resolution, HJR 99, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

HJR 101. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn on today, Thursday, October 1, 1992, they adjourn sine die.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 101, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

HJR 97. STATE DOCKS AUDIT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the State Auditor make an assessment of the financial records of the State Docks for the fiscal year ending September 30, 1992, including the amount of profit or loss, if any, and report such information to the Legislature by January 4, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 97, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-150, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

Also:

S. 43. To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILL RECONSIDERED

On motion of Senator Ellis, the Senate reconsidered the vote by which the Bill, HB 90, as amended, was lost.

On motion of Senator Ellis, the Senate reconsidered the vote by

which the Bill, HB 90, as amended, was ordered to its third reading.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, HB 90, as amended, was postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 88

The Senate proceeded to further consideration of the Bill:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

having been postponed on the Sixth Legislative Day, was again taken up.

And said Bill, HB 88, was read a third time at length and passed.

Yeas 14 Nays 5

Yeas:

Senators:

Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Hale,
Horn, Langford, Lindsey, Lipscomb, Little, Owens, and Waggoner -14

Nays:

Senators:

Bailey, Bolling, Dial, Dixon, and Ghee

- 5

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 99. COMMENDING DR. ROBERT M. MCCHESENEY
ON THE OCCASION OF HIS INAUGURATION AS THE 13TH
PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.**

Also:

HJR 101. RELATIVE TO MEETING DAYS.

Also:

**HJR 103. WISHING GOVERNOR GEORGE C. WALLACE A
SPEEDY RECOVERY.**

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 90

The Senate proceeded to further consideration of the Bill, HB 90, as amended.

Senator Horn offered the following substitute for the Bill, HB 90, as amended, to-wit:

SUBSTITUTE FOR HB 90, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Alabama State Council on the Arts for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993 and to provide that the last two quarterly allotments of this appropriation shall not be released until the Alabama Symphony receives additional private contributions or funds in fiscal year 1992-93.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of seven hundred thousand dollars (\$700,000), out of the funds in the Alabama Special Educational Trust Fund to the Alabama State Council on the Arts for the support and maintenance of the Alabama Symphony.

Section 2. The last two quarterly allotments of this appropriation shall not be released to the Alabama Symphony until the Symphony's Board certifies to the Director of Finance that the private contributions and any other non-state sources of funds available to the Symphony in fiscal year 1992-93 will total at least \$1,000,000.

Section 3. This act shall become effective October 1, 1992.

Which was adopted.

Yeas 17 Nays 2

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Ghee, Hale, Horn, Langford, Lipscomb, Little, and Waggoner

-17

Nays:

Senators:

Lindsey and Owens

- 2

And said Bill, HB 90, as amended by the substitute, was read a third time at length and passed.

Yeas 14 Nays 5

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Denton,
Dixon, Ghee, Hale, Horn, Langford, Little, and Waggoner -14

Nays:

Senators:

Bedsole, Bolling, Ellis, Lindsey, and Owens - 5

RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 31. URGING THE HISTORICAL COMMISSION TO PRESENT A COMPREHENSIVE PLAN TO THE LEGISLATURE REGARDING THE ALLOCATION OF FUNDS AVAILABLE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Historical Commission to present a comprehensive plan to each member of the Legislature regarding the allocation of all funds received by the Commission from the Transco Settlement. Provided, however, the funds distributed pursuant to the existing federal court order are excluded from any financial plan to be presented by the Historical Commission.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

was read a third time at length and passed.

Yeas 17 Nays 1

Yeas:

Senators:

Amari, Bailey, Bolling, deGraffenried, Dial, Dixon, Ellis, Foshee,

Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Smith (J), and Waggoner -17

Nay: Senator Corbett - 1

THE BILL:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

was taken up.

Senator Smith (J) offered the following amendment to the Bill, HB 4, to-wit:

AMENDMENT TO HB 4

Amend House Bill 4 on page 4 line 30 by striking the word "to" and inserting the following:

"and to pay the necessary expenses for".

Further amend the bill on page 7 by striking line 1 in its entirety and striking the words "gift." on line 2 and inserting in lieu thereof the following:

"income, by school or school system as the case may be."

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Owens, Smith (J), and Waggoner -18

Nays: - 0

And said Bill, HB 4, as thus amended, was read a third time at length and passed.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis,

Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Owens,
Smith (J), and Waggoner -18

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 15. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

was read a third time at length and lost.

Yeas 9 Nays 12

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Hale, Horn, Lindsey,
and Owens - 9

Nays:

Senators:

Amari, Bailey, Campbell, Corbett, Dial, Dixon, Ellis, Foshee, Ghee,
Lipscomb, Little, and Smith (J) -12

THE BILL:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried,
Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Langford, Lindsey,
Lipscomb, Little, Owens, and Smith (J) -20

Nays:

- 0

MOTION TO ADJOURN LOST

At 2:15 P.M., Senator Foshee moved that the Senate adjourn sine die, which motion was lost.

Yeas 8 Nays 13

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Foshee, Ghee, Hale, Horn, and
Lindsey - 8

Nays:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Langford,
Lipscomb, Little, Owens, Smith (J), and Waggoner -13

BILLS ON THIRD READING RESUMED

THE BILL:

H. 12. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

was taken up.

On motion of Senator Dixon, further consideration of the Bill, HB 12, was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate Bill and returns same herewith to the Senate:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Horn, the Senate concurred in and adopted the following House amendment to the Bill, SB 42, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 42

Amend SB 42 on Page 4 of said bill, line 5, after the word "charge" by adding the following:

; provided, however, vehicles purchased with constitutionally earmarked funds are specifically exempted from this provision

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lindsey, Little, Smith (J), and Waggoner

-18

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

Also:

H. 80. To make an appropriation to the Alabama Historical

Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 32. TO INVITE AND WELCOME PRESIDENT

GEORGE BUSH AND GOVERNOR BILL CLINTON AND ROSS PEROT TO AGAIN VISIT THE STATE OF ALABAMA BEFORE ELECTION DAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That both candidates for President of the United States are hereby invited to visit the State of Alabama to speak on issues of interest to the voters of Alabama; specifically, the legislature calls on Governor Clinton to present his ideas on what policies should be enacted to help the nation recover from the worst economic times since Herbert Hoover's administration, and President Bush is requested to speak on why he chooses to avoid payment of income taxes in the State of Maine by claiming residency in a bankrupt hotel in Houston, Texas.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 67. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Public Welfare reported the following substitute for the Bill, HB 67, to-wit:

SUBSTITUTE FOR HB 67

**A BILL
TO BE ENTITLED
AN ACT**

To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of three million seven hundred

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seventy-nine thousand thirty-three dollars (\$3,779,033), out of the funds in the Alabama Special Educational Trust Fund to be used for capital outlay or the support and maintenance of the Emergency Medical Services Programs as follows:

(a) To the Alabama Department of Public Health for funding the Emergency Medical Services System needs for the fiscal year 1992-93.....	\$1,561,699
(b) Trenholm State Technical College	\$158,381
(c) Opelika State Technical College.....	\$158,381
(d) Gadsden State Community College.....	\$158,381
(e) Lurleen B. Wallace State Junior College	\$158,381
(f) Northeast Alabama State Junior College	\$158,381
(g) Southern Community College	\$158,381
(h) S.D. Bishop State Community College.....	\$158,381
(i) Chattahoochee Valley Community College.....	\$158,381
(j) George C. Wallace State Community College (Dothan)	\$158,381
(k) Southern Union State Junior College.....	\$158,381
(l) Shelton State Community College.....	\$158,381
(m) Ayers State Technical College	\$158,381
(n) Lawson State Community College.....	\$158,381
(o) Central Alabama Community College	\$158,381

Section 2. The amounts herein appropriated shall be used for capital outlay or for the operation and maintenance of Emergency Medical Services Programs and for the purchase of instructional supplies and new instructional equipment for such programs. Of the amounts appropriated to the Alabama Department of Public Health, not more than twenty percent shall be expended for administrative costs. The re-

mainder shall be utilized for training and equipment. Funds thereby expended shall, as nearly as practicable, be divided equally among the state's congressional districts.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1992-93, an operations plan for fiscal year 1992-93 and an audited financial statement for all operations during fiscal year 1990-91 must be forwarded to the Director of Finance.

Section 4. This act shall become effective October 1, 1992.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 17 Nays 5

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Foshee, Horn, Langford, Lipscomb, Little, Owens, Smith (J), and Waggoner -17

Nays:

Senators:

Corbett, deGraffenried, Ghee, Hale, and Lindsey - 5

MOTION TO ADJOURN LOST

At 2:35 P.M., Senator Hale moved that the Senate adjourn sine die, which motion was lost.

Yeas 6 Nays 13

Yeas:

Senators:

Corbett, deGraffenried, Foshee, Ghee, Hale, and Lindsey - 6

Nays:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Denton, Dial, Horn, Langford, Lipscomb, Little, Owens, and Smith (J) -13

FURTHER CONSIDERATION OF HB 67

The Senate proceeded to further consideration of the Bill, HB 67.

RECESS

At 2:55 P.M., on motion of Senator Hale, the Senate took a recess subject to the call of the Chair.

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At 3:15 P.M., the recess period having expired, the Senate was called to order by acting Presiding Officer, Senator Ellis. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 31. URGING THE HISTORICAL COMMISSION TO PRESENT A COMPREHENSIVE PLAN TO THE LEGISLATURE REGARDING THE ALLOCATION OF FUNDS AVAILABLE.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 31. URGING THE HISTORICAL COMMISSION TO PRESENT A COMPREHENSIVE PLAN TO THE LEGISLATURE REGARDING THE ALLOCATION OF FUNDS AVAILABLE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 53	SB 34	SJR 27
SB 54	SB 66	SB 18
SB 80		

Delivered to the Governor, October 1, 1992, at 10:25 A.M.

SB 43	SB 19
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Delivered to the Governor, October 1, 1992, at 1:27 P.M.

SB 36

Delivered to the Governor, October 1, 1992, at 1:39 P.M.

SB 42	SJR 31
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Delivered to the Governor, October 1, 1992, at 3:45 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all

original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and dispensed with and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

ADJOURNMENT

At 3:20 P.M., on motion of Senator Hale, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

McDOWELL LEE,
Secretary of Senate.

ROSTER OF THE SENATE OF ALABAMA
1992 SECOND EXTRAORDINARY SESSION

OFFICERS

JIM FOLSOM, JR., *Lieutenant Governor*, Cullman
 RYAN deGRAFFENRIED, *President Pro-Tempore*, Tuscaloosa
 McDOWELL LEE, *Secretary*, Montgomery
 D. PATRICK HARRIS, *Assistant Secretary*, Montgomery
 DAVE AVANT, *Administrative Assistant*, Prattville
 MRS. SUZAN McCLELLAND, *Chief Clerk*, Prattville

MEMBERS OF THE SENATE

DISTRICT NO. 1—COLBERT, LAUDERDALE
 Bobby E. Denton.....P.O. Box 987, Tuscumbia 35674

DISTRICT NO. 2—LAUDERDALE, LIMESTONE, MADISON
 Jim Smith108-A South Side Square, Huntsville 35801

DISTRICT NO. 3—LAWRENCE, MORGAN
 Ray CampbellP.O. Box 1988, Decatur 35602-1988

DISTRICT NO. 4—CULLMAN, MADISON, MORGAN
 Don Hale1725 Woodland Street, N.W., Cullman 35055

DISTRICT NO. 5—PICKENS, TUSCALOOSA, WALKER
 Robert T. Wilson, Jr.P.O. Box 2088, Jasper 35502

DISTRICT NO. 6— FAYETTE, FRANKLIN, LAMAR, MARION,
 WINSTON
 George R. BollingP.O. Box 350, Fayette 35555

DISTRICT NO. 7—MADISON
 Bill G. Smith2009 Gallatin Street, S.W., Huntsville 35801

DISTRICT NO. 8—DEKALB, JACKSON, MADISON

Lowell Ray BarronP.O. Box 65, Fyffe 35971

DISTRICT NO. 9—BLOUNT, DEKALB, MARSHALL

Hinton Mitchem.....P.O. Box 297, Albertville 35950

DISTRICT NO. 10—ETOWAH

Jack Floyd816 Chestnut Street, Gadsden 35999

DISTRICT NO. 11—COOSA, ELMORE, TALLADEGA

Vacancy

DISTRICT NO. 12—CALHOUN

Doug GheeP.O. Box 848, Anniston 36202

**DISTRICT NO. 13—CHAMBERS, CHEROKEE, CLAY, CLEBURNE,
DEKALB, RANDOLPH**

Gerald DialP.O. Box 248, Lineville 36266

DISTRICT NO. 14—BIBB, SHELBY, ST. CLAIR

Frank (Butch) Ellis, Jr.....P.O. Box 587, Columbiana 35051

DISTRICT NO. 15—JEFFERSON

John E. Amari1337 Stonecrest Drive, Birmingham 35235

DISTRICT NO. 16—JEFFERSON

J. T. (Jabo) Waggoner.Two Perimeter Park South
Suite 224 W., Birmingham 35243

DISTRICT NO. 17—JEFFERSON

Mac Parsons.....P.O. Box 3336, Hueytown 35023

DISTRICT NO. 18—JEFFERSON

W. Fred Horn333 16th Avenue, S.W., Birmingham 35211

DISTRICT NO. 19—JEFFERSON

Jim Bennett618 Manchester Lane, Homewood
Birmingham 35209

DISTRICT NO. 20—JEFFERSON

Earl F. Hilliard.....P.O. Box 11385, Birmingham 35202

DISTRICT NO. 21—HALE, TUSCALOOSA

Ryan deGraffenried, Jr.....2600 6th Street, P.O. Box 2263
Tuscaloosa 35403

- DISTRICT NO. 22—CHOCTAW, CLARKE, CONECUH, MARENGO,
MONROE, WASHINGTON
W. H. (Pat) Lindsey.....126 South Mulberry, Butler 36904
- DISTRICT NO. 23—CHOCTAW, DALLAS, GREENE, LOWNDES,
PERRY, SUMTER, WILCOX
Henry (Hank) Sanders.....P.O. Box 1305, Selma 36702
- DISTRICT NO. 24—AUTAUGA, BIBB, CHILTON, DALLAS
Walter Owens111 Pine Avenue, Centreville 35042
- DISTRICT NO. 25—MONTGOMERY
Larry Dixon.....P.O. Box 946, Montgomery 36101
- DISTRICT NO. 26—ELMORE, MONTGOMERY
Charles D. Langford918 E. Grove Street, Montgomery 36104
- DISTRICT NO. 27—LEE, TALLAPOOSA
T. D. (Ted) LittleP.O. Box 2366, Auburn 36831
- DISTRICT NO. 28—BARBOUR, BULLOCK, MACON, RUSSELL
J. Danny Corbett45 Wiggins Lane, Phenix City 36869
- DISTRICT NO. 29—GENEVA, HENRY, HOUSTON
Chip Bailey.....P.O. Box 6791, Dothan 36302
- DISTRICT NO. 30—BUTLER, CRENSHAW, DALE, PIKE
"Walking" Wendell MitchellP.O. Box 225, Luverne 36049
- DISTRICT NO. 31—COFFEE, COVINGTON, ESCAMBIA
E. Crum Foshee.....Alabama State House, Montgomery 36130
- DISTRICT NO. 32—BALDWIN, MOBILE
Albert Lipscomb.....P.O. Box 209, Magnolia Springs 36555
- DISTRICT NO. 33—MOBILE
Michael A. Figures2317 St. Stephens Road, Mobile 36617
- DISTRICT NO. 34—MOBILE
Ann BedsoleP.O. Box 16642, Mobile 36616
- DISTRICT NO. 35—MOBILE
Steve WindomP.O. Drawer 2025, Mobile 36652
-

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1992**

ECONOMIC AFFAIRS

Corbett, Chairperson; Lindsey, Vice Chairperson; Amari, Bennett, Campbell.

BANKING AND INSURANCE

Windom, Chairperson; deGraffenried, Vice Chairperson; Amari, Foshee, Ghee, Horn, Smith (B).

RULES

Hale, Chairperson; Foshee, Deputy Chairperson; Dial, Vice Chairperson; Amari, Bailey, deGraffenried, Figures, Mitchem, Smith (B), Smith (J), Vacancy.

HEALTH

Smith (J), Chairperson; Waggoner, Vice Chairperson; Bolling, Dixon, Ghee, Hale, Wilson, Windom.

CONFIRMATIONS

Foshee, Chairperson; Campbell, Vice Chairperson; Corbett, Dial, Hale.

FINANCE AND TAXATION/EDUCATION FUND

Horn, Chairperson; Barron, Deputy Chairperson; Mitchem, Vice Chairperson; Bennett, Campbell, deGraffenried, Floyd, Ghee, Hilliard, Langford, Little, Sanders, Smith (J), Waggoner, Wilson.

FINANCE AND TAXATION/GENERAL FUND

Horn, Chairperson; Barron, Deputy Chairperson; Sanders, Vice Chairperson; Bailey, Bolling, Denton, Dixon, Figures, Foshee, Hale, Mitchell, Mitchem, Owens, Smith (B), Windom.

JUDICIARY/CRIMINAL JUSTICE AND PUBLIC SAFETY

Ellis, Chairperson; Smith (J), Vice Chairperson; Bedsole, Floyd, Lindsey, Lipscomb, Little.

JUDICIARY/CIVIL

Parsons, Chairperson; Hale, Vice Chairperson; Ellis, Floyd, Lindsey, Mitchell, Wilson.

GOVERNMENTAL AFFAIRS/STATE ADMINISTRATION

Mitchell, Chairperson; Dixon, Vice Chairperson; Corbett, Langford, Lipscomb, Sanders, Smith (B).

GOVERNMENTAL AFFAIRS/LOCAL GOVERNMENT

Denton, Chairperson; Owens, Vice Chairperson; Ellis, Hale, Lindsey, Little, Sanders.

ENERGY AND NATURAL RESOURCES

Wilson, Chairperson; Foshee, Vice Chairperson; Lindsey, Owens, Waggoner, Windom, Vacancy.

AGRICULTURE, CONSERVATION, AND FORESTRY

Bedsole, Chairperson; Lindsey, Vice Chairperson; Bolling, Denton, Ellis, Lipscomb, Mitchem.

PUBLIC WELFARE

deGraffenried, Chairperson; Ellis, Vice Chairperson; Hale, Owens, Parsons.

EDUCATION

Bennett, Chairperson; Bailey, Vice Chairperson; Bedsole, Floyd, Ghee, Lindsey, Lipscomb, Waggoner, Wilson.

BUSINESS AND LABOR RELATIONS

Mitchem, Chairperson; Smith (B), Vice Chairperson; Bolling, Langford, Owens.

COMMERCE, TRANSPORTATION, AND UTILITIES

Hilliard, Chairperson; Barron, Vice Chairperson; Campbell, deGraffenried, Foshee, Horn, Langford.

STATE DEVELOPMENT AND TOURISM

Langford, Chairperson; Foshee, Vice Chairperson; Barron, Campbell, Mitchell.

SMALL BUSINESS

Owens, Chairperson; Bailey, Vice Chairperson; Barron, Corbett, Dixon.

CONSTITUTION AND ELECTIONS

Ghee, Chairperson; Little, Vice Chairperson; Bennett, Ellis, Parsons.

INDUSTRIAL DEVELOPMENT AND EXPANSION

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Corbett, Denton, Dixon, Windom.

CONSUMER AFFAIRS

Bolling, Chairperson; Floyd, Vice Chairperson; Bailey, Hilliard, Sanders.

LOCAL LEGISLATION NO. 1

Campbell, Chairperson; Mitchell, Vice Chairperson; Corbett, Foshee, Ghee, Sanders, Wilson.

LOCAL LEGISLATION NO. 2

Hilliard, Chairperson; Bennett, Vice Chairperson; Amari, Horn, Parsons, Waggoner.

LOCAL LEGISLATION NO. 3

Figures, Chairperson; Lipscomb, Vice Chairperson; Bedsole, Windom.

SELECT COMMITTEE ON FISCAL RESPONSIBILITY

Barron, Chairperson; Hale, Vice Chairperson; Corbett, Horn, Mitchem.

**1992 COMMITTEE ASSIGNMENTS
ALABAMA STATE SENATE**

15th District

AMARI, JOHN

Vice Chairperson, Industrial Development and Expansion; Economic Affairs; Banking and Insurance; Rules; Local Legislation No. 2.

29th District

BAILEY, CHIP

Vice Chairperson, Education; Vice Chairperson, Small Business; Rules; Finance and Taxation/General Fund; Consumer Affairs.

8th District

BARRON, LOWELL

Chairperson, Select Committee on Fiscal Responsibility; Deputy Chairperson, Finance and Taxation/Education Fund; Deputy Chairperson, Finance and Taxation/General Fund; Vice Chairperson, Commerce, Transportation, and Utilities; State Development and Tourism; Small Business.

34th District

BEDSOLE, ANN

Chairperson, Agriculture, Conservation, and Forestry; Judiciary/Criminal Justice and Public Safety; Education; Local Legislation No. 3.

19th District

BENNETT, JIM

Chairperson, Education; Vice Chairperson, Local Legislation No. 2; Economic Affairs; Finance and Taxation/Education Fund; Constitution and Elections.

6th District

BOLLING, GEORGE

Chairperson, Consumer Affairs; Health; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Business and Labor Relations.

3rd District**CAMPBELL, RAY**

Chairperson, Local Legislation No. 1; Vice Chairperson, Confirmations; Economic Affairs; Finance and Taxation/Education Fund; Commerce, Transportation, and Utilities; State Development and Tourism; Industrial Development and Expansion.

28th District**CORBETT, DANNY**

Chairperson, Economic Affairs; Confirmations; Governmental Affairs/State Administration; Small Business; Industrial Development and Expansion; Local Legislation No. 1; Select Committee on Fiscal Responsibility.

21st District**deGRAFFENRIED, RYAN**

Chairperson, Public Welfare; Vice Chairperson, Banking and Insurance; Rules; Finance and Taxation/Education Fund; Commerce, Transportation, and Utilities.

1st District**DENTON, BOBBY**

Chairperson, Governmental Affairs/Local Government; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Industrial Development and Expansion.

13th District**DIAL, GERALD**

Chairperson, Industrial Development and Expansion; Vice Chairperson, Rules; Confirmations.

25th District**DIXON, LARRY**

Vice Chairperson, Governmental Affairs/State Administration; Health; Finance and Taxation/General Fund; Small Business; Industrial Development and Expansion.

14th District**ELLIS, FRANK**

Chairperson, Judiciary/Criminal Justice and Public Safety; Vice

Chairperson, Public Welfare; Judiciary/Civil; Governmental Affairs/Local Government; Agriculture, Conservation, and Forestry; Constitution and Elections.

33rd District

FIGURES, MICHAEL

Chairperson, Local Legislation No. 3; Rules; Finance and Taxation/General Fund.

10th District

FLOYD, JACK

Vice Chairperson, Consumer Affairs; Finance and Taxation/Education Fund; Judiciary/Criminal Justice and Public Safety; Judiciary/Civil; Education.

31st District

FOSHEE, CRUM

Chairperson, Confirmations; Deputy Chairperson, Rules; Vice Chairperson, Energy and Natural Resources; Vice Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation/General Fund; Commerce, Transportation, and Utilities; Local Legislation No. 1.

12th District

GHEE, DOUG

Chairperson, Constitution and Elections; Banking and Insurance; Health; Finance and Taxation/Education Fund; Education; Local Legislation No. 1.

4th District

HALE, DON

Chairperson, Rules; Vice Chairperson, Judiciary/Civil; Vice Chairperson, Select Committee on Fiscal Responsibility; Health; Confirmations; Finance and Taxation/General Fund; Governmental Affairs/Local Government; Public Welfare.

20th District

HILLIARD, EARL

Chairperson, Commerce, Transportation, and Utilities; Chairperson, Local Legislation No. 2; Finance and Taxation/Education Fund; Consumer Affairs.

18th District**HORN, FRED**

Chairperson, Finance and Taxation/Education Fund; Chairperson, Finance and Taxation/General Fund; Banking and Insurance; Commerce, Transportation, and Utilities; Local Legislation No. 2; Select Committee on Fiscal Responsibility.

26th District**LANGFORD, CHARLES**

Chairperson, State Development and Tourism; Finance and Taxation/Education Fund; Governmental Affairs/State Administration; Business and Labor Relations; Commerce, Transportation, and Utilities.

22nd District**LINDSEY, PAT**

Vice Chairperson, Economic Affairs; Vice Chairperson, Agriculture, Conservation, and Forestry; Judiciary/Criminal Justice, and Public Safety; Judiciary/Civil; Governmental Affairs/Local Government; Energy and Natural Resources; Education.

32nd District**LIPSCOMB, ALBERT**

Vice Chairperson, Local Legislation No. 3; Judiciary/Criminal Justice and Public Safety; Governmental Affairs/State Administration; Agriculture, Conservation, and Forestry; Education.

27th District**LITTLE, TED**

Vice Chairperson, Constitution and Elections; Finance and Taxation/Education Fund; Judiciary/Criminal Justice and Public Safety; Governmental Affairs/Local Government.

30th District**MITCHELL, WENDELL**

Chairperson, Governmental Affairs/State Administration; Vice Chairperson, Local Legislation No. 1; Finance and Taxation/General Fund; Judiciary/Civil; State Development and Tourism.

9th District**MITCHEM, HINTON**

Chairperson, Business and Labor Relations; Vice Chairperson, Finance

and Taxation/Education Fund; Rules; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Select Committee on Fiscal Responsibility.

24th District

OWENS, WALTER

Chairperson, Small Business; Vice Chairperson, Governmental Affairs/Local Government; Finance and Taxation/General Fund; Energy and Natural Resources; Public Welfare; Business and Labor Relations.

17th District

PARSONS, MAC

Chairperson, Judiciary/Civil; Public Welfare; Constitution and Elections; Local Legislation No. 2.

11th District

PREUITT, JIM

Resigned 8/18/92

23rd District

SANDERS, HANK

Vice Chairperson, Finance and Taxation/General Fund; Finance and Taxation/ Education Fund; Governmental Affairs/State Administration; Governmental Affairs/Local Government; Consumer Affairs; Local Legislation No. 1.

7th District

SMITH, BILL

Vice Chairperson, Business and Labor Relations; Banking and Insurance; Rules; Finance and Taxation/General Fund; Governmental Affairs/State Administration.

2nd District

SMITH, JIM

Chairperson, Health; Vice Chairperson, Judiciary/Criminal Justice and Public Safety; Rules; Finance and Taxation/Education Fund.

16th District

WAGGONER, JABO

Vice Chairperson, Health; Finance and Taxation/Education Fund; Ener-

gy and Natural Resources; Education; Local Legislation No. 2.

5th District

WILSON, ROBERT, JR.

Chairperson, Energy and Natural Resources; Health; Finance and Taxation/Education Fund; Judiciary/Civil; Education; Local Legislation No. 1.

35th District

WINDOM, STEVE

Chairperson, Banking and Insurance; Health; Finance and Taxation/General Fund; Energy and Natural Resources; Industrial Development and Expansion; Local Legislation No. 3.

**HOUSE OF REPRESENTATIVES
1992 FIRST EXTRAORDINARY SESSION
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**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA
1992 FIRST EXTRAORDINARY SESSION**

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL, *Speaker Pro Tempore*, Anniston

WILLIAM G. (GREG) PAPPAS, *Clerk*, Montgomery

DON LADNER, *Administrative Assistant*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

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Taylor Harper.....P.O. Box 229, Grand Bay 36541

**STANDING COMMITTEES
OF THE ALABAMA
HOUSE OF REPRESENTATIVES
1992**

AGRICULTURE, FORESTRY AND NATURAL RESOURCES

Lindsey, Chairperson; Smith (C), Vice Chairperson; Barnes, Blakeney, Bryant, Dolbare, Hamilton, Letson, Mathis, Powell, Richardson, Sanderford, Smith (R), Warren, White.

BANKING

Zoghby, Chairperson; Hawkins, Vice Chairperson; Beasley, Cosby, Escott-Russell, Ford, Gaines, Hammett, Hill, Holladay, Morrow, Newton (C), Perdue, Petelos, Thomas.

BUSINESS AND LABOR

Beasley, Chairperson; McDaniel, Vice Chairperson; Cagle, Carter, Cullins, Fuller, Gaines, Kennedy, Laird, Layson, McMillan, Melton, Payne, Smith (R), Spratt.

COMMERCE, TRANSPORTATION AND UTILITIES

Hooper, Chairperson; Box, Vice Chairperson; Black (L), Burke, Cagle, Ford, Gaston, Gullatt, Hammett, Lindsey, Parker (T), Perdue, Rogers (J), Sanderson, Zoghby.

CONSTITUTION AND ELECTIONS

McDowell, Chairperson; Campbell, Vice Chairperson; Anderson, Black (M), Bowling, Box, Curry, Flowers, McMillan, Newton (C), Rockhold, Smith (C), Thomas, Venable, Walker.

EDUCATION

Parker (P), Chairperson; Bugg, Vice Chairperson; Clark (W), Dolbare, Hawkins, Hill, Holladay, Holmes, Melton, Millican, Morrow, Poole, Powell, Smith (C), Zoghby.

HEALTH

Carothers, Chairperson; Johnson, Vice Chairperson; Beasley, Biddle, Bowling, Butler, Drake, Flowers, Freeman, Hall, Haynes, Kvalheim, McClain, McDowell, Rockhold.

HIGHWAY SAFETY

Spratt, Chairperson; Rich, Vice Chairperson; Carns, Crow, Curry, Drake, Laird, Layson, Morton, Parker (T), Richardson, Rogers (F), Turner, Walker, Willis.

INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

Butler, Chairperson; Kvalheim, Vice Chairperson; Black (M), Cosby, Drake, Harvey, Holley, Hooper, Kennedy, McKee, Newton (D), Rogers (F), Sanderson, Venable, Williams.

INSURANCE

Flowers, Chairperson; Buskey (JE), Vice Chairperson; Carns, Clay, Hall, Haney, Holley, Lindsey, McDaniel, McKee, Powell, Rockhold, Spratt, Venable, Williams.

JUDICIARY

Higginbotham, Chairperson; Rogers (F), Vice Chairperson; Anderson, Barnes, Black (L), Black (M), Box, Buskey (JL), Campbell, Gaines, Holladay, Johnson, Kvalheim, Newton (D), Petelos.

LOCAL GOVERNMENT

Gullatt, Chairperson; Warren, Vice Chairperson; Buskey (JL), Carothers, Escott-Russell, Hamilton, Higginbotham, Hill, Knight, Laird, Letson, Newton (C), Rich, Richardson, Willis.

MILITARY AFFAIRS

Fuller, Chairperson; Turnham, Vice Chairperson; Biddle, Blakeney, Crow, Gaston, Goodwin, Haney, Knight, McKee, Mikell, Payne, Sanderford, Walker, Willis.

OIL AND GAS

Gaston, Chairperson; Freeman, Vice Chairperson; Buskey (JE), Butler, Clark (W), Dolbare, Haney, Higginbotham, Hogan, Kvalheim, Millican, Penry, Rogers (J), Turner, White.

PUBLIC WELFARE

Bryant, Chairperson; Newton (D), Vice Chairperson; Anderson, Bugg, Cagle, Cullins, Grayson, Gullatt, Holmes, Mikell, Morton, Parker (P), Perdue, Rich, Vacancy.

RULES

Carter, Chairperson; Ford, Vice Chairperson; Bryant, Buskey (JE), Carns, Carothers, Clark (W), Hall, Harvey, Haynes, Johnson, McDowell, Sanderson, Warren, White.

SMALL BUSINESS

McDaniel, Chairperson; Escott-Russell, Vice Chairperson; Blakeney, Clay, Crow, Harvey, Holley, Layson, Mikell, Millican, Payne, Poole, Sanderford, Smith (R), Turnham.

STATE ADMINISTRATION

Thomas, Chairperson; Haynes, Vice Chairperson; Biddle, Bugg, Buskey (JE), Collins, Goodwin, Grayson, Hogan, Holmes, Knight, Morrow, Morton, Parker (P), Starkey.

TOURISM, ENTERTAINMENT AND SPORTS

Ford, Chairperson; McClain, Vice Chairperson; Barnes, Bowling, Burke, Freeman, Hall, Harper, Hooper, Letson, Mathis, Penry, Petelos, Thomas, Williams.

WAYS AND MEANS

Harper, Chairperson; Turnham, Vice Chairperson; Burke, Buskey (JL), Collins, Curry, Freeman, Fuller, Hawkins, Kennedy, Mathis, McClain, Parker (T), Penry, Rogers (J), Starkey, Williams.

LOCAL LEGISLATION NO. 1

Bowling, Chairperson; Letson, Vice Chairperson; Anderson, Black (L), Collins, Flowers, Fuller, Hammett, Haynes, Mathis, Melton, Morrow, Penry, Starkey, White.

LOCAL LEGISLATION NO. 2

Petelos, Chairperson; Spratt, Vice Chairperson; Barnes, Biddle, Carns, Curry, Escott-Russell, Gaines, Hawkins, McClain, McDowell, Morton, Newton (D), Payne, Perdue, Rogers (F), Rogers (J), Sanderson.

LOCAL LEGISLATION NO. 3

Zoghby, Chairperson; Clark (W), Vice Chairperson; Box, Buskey (JE), Gaston, Harper, Kennedy, Kvalheim, Rockhold, Turner.

**LOCAL LEGISLATION NO. 4
MADISON COUNTY**

Hall, Chairperson; Freeman, Vice Chairperson; Butler, Grayson, Haney, Sanderford.

**LOCAL LEGISLATION NO. 5
MONTGOMERY COUNTY**

Chairperson and Vice Chairperson to be elected by delegation.
Buskey (JL), Holmes, Hooper, McKee, Mikell, Walker.

**LOCAL LEGISLATION NO. 6
TUSCALOOSA COUNTY**

Poole, Chairperson; Melton, Vice Chairperson; Cagle, Layson, Parker (T).

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- HJR 64 -** Purple Heart Medal License Plate, Act No. 91-657, legislative intent expressed, pages 116, 225, 235, Act no. 92-698
- HJR 66 -** Mitchell, Mattie Augusta Williams, death mourned, pages 117, 135, Act no. 92-631
- HJR 67 -** Howard, Earl K., commended, pages 117, 135, Act no. 92-653
- HJR 69 -** Ezell, Estell, Jr., death mourned, pages 170, 200, Act no. 92-671
- HJR 71 -** The Mobile Register and Howard Bronson, Jr., appreciation expressed to, pages 174, 201, Act no. 92-672

- HJR 72 -** Stockton Horseshoe Tournament, designated as official state championship horseshoe tournament, pages 174, 225, 235, Act no. 92-697
- HJR 77 -** Election Law Reform, joint interim legislative committee created, pages 174, 225, 235, Act no. 92-717
- HJR 82 -** Kennedy, Cain James, commended, pages 172, 226, 235, Act no. 92-696
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- HJR 87 -** Davis, Jan, commended, pages 222, 235, Act no. 92-695
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JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY
SESSION OF 1992

HELD IN THE CITY OF MONTGOMERY,
COMMENCING MONDAY, SEPTEMBER 21, 1992



Vol. 1

WITH AN INDEX PREPARED BY THE
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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY SESSION
OF 1992**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Monday, September 21, 1992**

Be it remembered that on the twenty-first day of September, 1992, His Excellency, Guy Hunt, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Guy Hunt as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 5:00 p.m. on September 21, 1992 and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to provide for additional revenue to be deposited in the state general fund, and/or to amend existing statutes containing revenue measures, and to make supplemental appropriations to the Department of Corrections, the Department of Public Safety, the Department of Forensic Sciences and the Military Department.

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2. Legislation to appropriate \$5,500,000 to the Alabama Department of Veterans' Affairs for the state matching funds for the construction of two state veterans nursing homes.

3. Legislation to revise the laws relating to the sentencing of individuals convicted of certain criminal offenses, including a community corrections proposal, and supplemental appropriations as required to implement such measures.

4. Legislation authorizing the Alabama Criminal Justice Information Center Commission to share the costs of providing computerized criminal justice information services with the users of such services.

5. Legislation to authorized and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry and employment opportunities for the public good and welfare in Northeast Mississippi and Northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

6. Local Legislation which requires consideration by the Legislature at this time.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State House, in the City of Montgomery, on this the 21st day of September, 1992.

GUY HUNT
Governor

ATTEST:

BILLY JOE CAMP
Secretary of State

PRAYER

The session was opened with prayer by Reverend Travis Coleman, First Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Will Roark, 9th Grade, Goodwyn Jr. High School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Carter, leave of absence was granted for Representative Ford.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Campbell:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Haney, Morton and Smith (R).

Also:

By Representative Campbell:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:00 P.M. on September 21, 1992, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

BE IT FURTHER RESOLVE, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Haney, Morton and Smith (R).

Also:

By Representative Campbell:

H.R. 4. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Monday, September 21, 1992, we adjourn to meet again on Tuesday, September 22, 1992, at 4:00 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 4, was adopted.

Also:

By Representatives Cosby, Hooper, Harper and Morrow:

H.J.R. 5. ESTABLISHING A RECYCLING INDUSTRY AND MARKET DEVELOPMENT COUNCIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established a Recycling Industry and Market Development Council to assist in the development of markets in this state for recovered materials and products with recycled content.

The members of the council shall be appointed not later than 90 days after this act is effective.

The council shall consist of fifteen appointed members, as follows:

(1) One member representing the paper industry appointed by the Speaker of the House of Representatives.

(2) One member representing the oil industry appointed by the Speaker of the House of Representatives.

(3) One member representing county governments appointed by the Speaker of the House of Representatives.

(4) One member representing the steel can and steel scrap recycling industry appointed by the Speaker of the House of Representatives.

(5) One member representing the solid waste collection and disposal industry appointed by the Governor.

(6) One member representing the aluminum industry appointed by the Governor.

(7) One member representing the plastics industry appointed by the Governor.

(8) One member representing the tire industry appointed by the Governor.

(9) One member representing the recycling industry appointed by the Lieutenant Governor.

(10) One member representing municipalities appointed by the Lieutenant Governor.

(11) One member representing the glass industry appointed by the Lieutenant Governor.

(12) One member representing the hazardous waste recycling industry appointed by the Lieutenant Governor.

(13) One member representing higher education research institutions appointed by the Executive Officer of the Alabama Commission on Higher Education.

(14) One member representing the general public appointed by the Chair of the House Standing Committee on Commerce, Transportation, and Utilities.

(15) One member representing the general public appointed by the Chair of the Senate Standing Committee on Commerce, Transportation and Utilities.

Each member of the council shall serve a six-year term beginning on the date of appointment and until a successor is qualified and appointed.

The council shall select a chair and vice-chair. The council shall adopt operating procedures and meet on the call of the chair or of a majority of the members. A majority of the members shall constitute a quorum to do business.

The council may apply for and receive grants, contributions, or donations from any source, including the state and federal government, in order to carry out the duties and responsibilities of the council as provided in this act.

Not later than the first day of the next regular session of the Alabama Legislature following the appointment of the council, the council shall provide to the Governor and to the Legislature an initial report which, at a minimum, shall include:

(1) A description and analysis of this state's existing recycling industry.

(2) An analysis of the projected long-term capacity of existing markets to absorb materials generated by source separation, recovery, or recycling programs.

(3) An analysis of potential markets in this state, in other states, or in foreign countries for recovered materials and products with recycled content from this state.

(4) An analysis of institutional, economic, and technical barriers to the use of recovered materials and products with recycled content.

(5) Recommendations for actions which may be taken to increase demand for source separated, recovered, or recycled materials or products.

(6) Recommendations for actions which may be taken to increase the incentives for private individuals and for business and industry to consume or export recovered materials and products with recycled content.

(7) An analysis of the compatibility of recycling with waste treatment or disposal methods and recommendations on the feasibility of the implementation of mechanisms for cooperative marketing for recyclable materials.

(8) Recommendations on categories of materials which should be recovered, given existing and potential markets for those materials.

(9) A study of methods and cost effectiveness of source separation and recycling of recovered materials.

(10) A study of packaging reduction.

(11) A study of the design of products at the primary stage of development to promote recyclability.

Following its initial report, the council shall submit to the Governor and to the Legislature by the end of each calendar year an annual report on recycling activities in this state which, at a minimum, shall include:

(1) Revisions which the council determines necessary to its initial report.

(2) A description and analysis of the amounts and types of waste materials recovered or recycled in this state during the preceding year.

(3) Recommendations regarding materials which should be added or deleted from source separation, recovery, and recycling programs.

(4) Any other recommendation, including tax incentives, to facilitate the development of markets for recovered materials or products in this state.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 5, was adopted.

Also:

By Representatives Cosby, Hooper, Harper and Morrow:

H.J.R. 6. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint legislative committee is created to study the development of markets in this state for recovered materials and products with recycled content, and the feasibility of offering tax incentives, governmental assistance, and other types of aid to facilitate the development of the markets. The committee shall be composed of four members of the Senate appointed by the President of the Senate and four members of the House of Representatives appointed by the Speaker of the House of Representatives. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide clerical assistance necessary for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1993 Regular Session, at which time the committee shall be dissolved. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. The allowances, expenses, and compensation of members of the committee shall be paid out of any funds appropriated to the use of the Legislature upon warrants drawn on the State Comptroller, upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed seven thousand five hundred dollars (\$7,500). All state agencies and departments shall assist the committee, including, but not limited to, the Alabama Development Office and the Department of Environmental Management.

The resolution, H.J.R. 6, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

MCDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representatives Penry and McMillan:

H.J.R. 7. COMMENDING VICTOR GUARISCO FOR DISTINGUISHED SERVICE TO THE CITY OF DAPHNE.

WHEREAS, over the past 40 years, Victor Guarisco has served the City of Daphne with loyal dedication and devotion; and

WHEREAS, appointed to fill an unexpired term as councilman on April 22, 1952, Mr. Guarisco was subsequently elected to the position the following October and, for the next 24 years, served six terms as a councilman for the City of Daphne; and

WHEREAS, Mr. Guarisco who became the City's fourth mayor in 1976, has most ably served in this capacity for 16 years, but has chosen not to seek reelection for the October 1992-October 1996 term; and

WHEREAS, during his tenure in office, Mayor Guarisco contributed significantly toward improving the quality of life for the community and the people he served; among many notable accomplishments, he was instrumental in the purchase of the Lake Forest Utility Corporation in 1985, in the successful annexation of property in north Daphne to Highway I-10, and in the acquisition of a public pier at May Day Park; now therefore,

BE IT RESOLVED BY THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his long and distinguished career in public service to the City of Daphne, Alabama, we hereby most highly commend Victor Guarisco, and do further direct that a copy of this resolution be provided for appropriate presentation to one of our state's most prominent elected officials.

On motion of Representative Penry, the rules were suspended and the resolution, H.J.R. 7, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Freeman:

H. 1. To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee and the sales price of the property or its fair market value if greater than the sales price.

COMMITTEE ON WAYS AND MEANS

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By Representative Freeman (With Notice and Proof):

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 2, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford (With Notice and Proof):

H. 3. To amend Section 3 of Act No. 80-442, S. 564, 1980 Regular Session, to provide further for the method of selection of the chairperson of the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden and for the composition of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 3, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Holley, Parker (P), White, Walker, Smith (C), and Powell:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawkins and Biddle (With Notice and Proof):

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 2

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 5, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Higginbotham, Campbell, and Box:

H. 6. Proposing an amendment to Sections 232, 233, 234, and 237 of the Constitution of Alabama of 1901, as amended, relating to corporations to authorize the Legislature to define the activities that do or do not constitute the doing of business in Alabama by foreign corporations, to permit domestic corporations to engage in certain business not expressly authorized by its charter, to remove certain restrictions on the issuance of stock and bonds by domestic corporations, and to permit domestic corporations to issue preferred stock as authorized by general law.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representative Holley (With Notice and Proof):

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare:

H. 8. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

COMMITTEE ON EDUCATION

By Representative Barnes:

H. 9. Relating to gambling; to specifically repeal Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, 13A-12-29, 13A-12-30, 13A-12-50, 13A-12-51, 13A-12-52, 13A-12-53, 13A-12-54, 13A-12-55, 13A-12-56, 13A-12-57, and 13A-12-58.

COMMITTEE ON WAYS AND MEANS

By Representatives Barnes and Newton (D) (With Notice and Proof):

H. 10. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 10, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Barnes:

H. 11. To amend Section 14-9-41 of the Code of Alabama 1975, as amended by Act No. 91-637, H. 194 of the 1991 Regular Session which relates to the computation of incentive time deductions; to continue the application of correctional incentive time while the inmate is on parole; and to authorize the Board of Pardons and Paroles to restore certain forfeited incentive time.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 12. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 13. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 14. To repeal Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 15. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 16. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

COMMITTEE ON JUDICIARY

By Representatives Box, McDaniel, and McDowell:

H. 17. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 18. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

COMMITTEE ON JUDICIARY

By Representatives Box, Higginbotham, McDaniel, and McDowell:

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 20. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 21. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Box and McDaniel:

H. 22. Relating to the Department of Corrections; to provide for the preparation of an impact statement for any bill deemed to have a significant impact on the population or cost of operation of any or all institutions, external corrections service facilities, or programs of the Department of Corrections.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 23. To amend Section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing single base fees of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal sites for all waste or substances disposed of at such sites effective July 15, 1990, through April 30, 1992, and thereafter a single base fee of \$69.50 per ton beginning on the effective date of this Act; to amend Section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend Section 22-30B-2.2, relating to the payment of certain fees to the Alabama public health finance authority, so as to provide further for the allocation of the new fee to said authority; to amend Section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal Section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to place a volume limit on wastes, hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund; to provide funding for the Alabama Hazardous Substance Cleanup Fund; and to establish and to fund a hazardous waste and substance prevention and minimization trust fund and to provide for the administration of the fund and the distribution of money in said fund.

COMMITTEE ON WAYS AND MEANS

**SECOND EXTRAORDINARY SESSION
1st Day**

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By Representative Turner:

H. 24. To make a supplemental appropriation to the Department of Public Safety from the State General Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner and Crow:

H. 25. To make a supplemental appropriation to the Alabama Military Department from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 27. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$15,500,000 for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

By Representatives Escott-Russell, Perdue, Spratt, Rogers (J), Barnes, and McClain (With Notice and Proof):

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 30, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hooper and Sanderson:

H. 31. To amend Sections 40-25-5 and 40-25-23 of the Code of Alabama 1975, to reduce the tobacco tax stamp dealer discount allowance; to specify that interest which may apply to tobacco tax administration shall be in accordance with Section 40-1-44 of the Code of Alabama 1975; to provide the Department of Revenue with certain rulemaking and regulatory authority; to provide that the increase of revenue resulting from reduced discount allowance shall be distributed to the State General Fund.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Bugg (With Notice and Proof):

H. 32. Relating to Etowah County; providing for the establishment of a county unity system for road, bridge, and highway construction, maintenance, and repair; providing for the employment and compensation of a county engineer; providing for the qualifications, duties, powers, and bond of the county engineer.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 32, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

SECOND EXTRAORDINARY SESSION
1st Day

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By Representative Hooper:

H. 33. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize user fees for the system, create a special account for those fees in the State Treasury, provide for the use of the fees only for the use of the system, and provide for retroactive effect to October 7, 1975.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Bugg (With Notice and Proof):

H. 34. Relating to Etowah County; providing that the members of the county commission shall serve on a part-time basis and repealing Act No. 85-595, H. 562, 1985 Regular Session, effective at the beginning of the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 34, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Cosby:

H. 35. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Cosby, Penry, McMillan, Venable, Hammett, McKee, and Carter:

H. 36. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Newton (D) and Black (M):

H. 37. To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts, to delete certain provisions relating to the termination of the fee increases.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C) (With Notice and Proof):

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Cosby, Thomas, and Bryant:

H. 40. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

COMMITTEE ON EDUCATION

By Representatives Hogan and Cagle:

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

COMMITTEE ON WAYS AND MEANS

SECOND EXTRAORDINARY SESSION
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By Representative Layson:

H. 42. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of the member institutions to designate an officer or employee of the institution to serve on the board.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C) (With Notice and Proof):

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Newton (D) and Perdue:

H. 44. To provide that whenever any portion of the territory of a special district created pursuant to a general, special, or local act is annexed into a municipality, the annexed territory shall cease to be a part of the special district unless all of the municipality was included in the special district prior to annexation; to provide that the territory annexed shall not thereafter be subject to any tax or service charge imposed on property or persons by or for the benefit of the special district unless the special district included all of the municipality prior to annexation; to make this act retroactive as to all annexations prior to the effective date of the act; to provide that the Legislature may provide by local act for reasonable payments to the special district as compensation for the loss of revenues pledged to secure outstanding debt or to assume debt or other obligations of the special district including the employment of district employees or the purchase of district equipment; and to provide for agreements by the municipality and the special district concerning the annexation.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Newton (D) and Black (M):

H. 45. To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts, to delete certain provisions relating to the termination of the fee increases.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 46. To amend sections 40-23-36 and 40-23-77, Code of Alabama 1975, so as to limit the discounts allowed to sellers or vendors who make payments of the taxes imposed by sections 40-23-1 through 40-23-38 and 40-23-60 through 40-23-88 before delinquency and distributes the revenue derived therefrom to the State General Fund.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Turnham:

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 48. To provide that the Alabama Coalition Against Domestic Violence, Incorporated, shall establish standards for domestic violence shelters for membership in the coalition; and to provide that domestic violence shelters within the State of Alabama that meet the standards shall be eligible for receiving state funds.

COMMITTEE ON JUDICIARY

By Representative Curry:

H. 49. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Harper:

H. 50. To amend Section 4 of Act No. 91-546, H. 596, 1991 Regular Session, which act relates to tax exemptions on certain ships and vessels, to provide further for the retroactive effective date of the act.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 51. To provide a credit for certain service in the determination of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P):

H. 52. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to vacations and leaves of absence, so to further allow local boards of education greater flexibility in the development of local board policies.

COMMITTEE ON EDUCATION

By Representative Sanderson (With Notice and Proof):

H. 53. Relating to governing bodies of Class I municipalities, the governing bodies of counties in which Class I municipalities are primarily located, other governing bodies of municipalities in those counties, and certain zoological societies in those counties; to authorize those governing bodies or societies to individually or jointly incorporate and amend articles of incorporation as a public authority for the purpose of leasing, owning, or operating a zoological park, natatorium, or aquarium, or any combination thereof, in the county; to provide for the election and compensation of members of any such authority; to provide for powers, responsibilities, and duties of any such authority and its board of directors; to provide certain tax exemptions and immunity from tort liability to any such authority; to authorize the issuance of revenue bonds and securities by any such authority and to specify sources of revenue for those bonds; to require compliance with the state ethics, competitive bid, access to public records, and public meeting statutes; to specifically authorize an authority to acquire, construct, operate, improve, and finance a zoological park, natatorium, or aquarium, or any combination thereof; to provide for the use of proceeds of any revenue bonds or securities issued by an authority; to exempt the property, income, and securities of any authority from all state and local taxation; and to provide that employees of any authority shall be employed subject to the civil service system and personnel board of any Class I municipality in the same manner as other municipal employees.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 53, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T):

H. 54. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, H. 588, 1992 Regular Session, relating to the recordkeeping requirements and corresponding liability for the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McClain, Curry, Newton (D), Perdue, McDowell, Box, Escott-Russell, and Barnes:

H. 55. To amend Section 11-98-1, Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Harper:

H. 56. To provide further for certain sales and use tax exemptions, to amend sections 40-23-1, 40-23-4, and 40-23-62, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Hammett (With Notice and Proof):

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 57, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**SECOND EXTRAORDINARY SESSION
1st Day**

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By Representatives Newton (D) and Escott-Russell:

H. 58. To amend the Alabama Enterprise Zone Act by providing that the tax incentives shall be available to any small business employing three or more persons.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D) and Escott-Russell:

H. 59. To amend Section 41-16-50, Code of Alabama 1975, to provide for the award of competitive bid contracts by counties and municipalities for the purchase of personal property.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Newton (D) and Escott-Russell (With Notice and Proof):

H. 60. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable:

H. 61. Relating to the regulation of liquefied petroleum gas; to amend Section 9-17-109 of the Code of Alabama 1975, as amended, to provide for the filling of liquefied gas tanks and bottles; and to require notification of work on liquefied petroleum gas systems.

COMMITTEE ON OIL AND GAS

By Representative Venable:

H. 62. To amend Section 20-2-90 of the Code of Alabama 1975, to authorize that the agents and officers of the Alcoholic Beverage Control Board also enforce the Alabama Uniform Controlled Substance Act.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Venable and Mikell:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Venable and Turnham:

H. 64. To prohibit the discharge of waste and sewage into the waters of the state; to require certain vessels and structures to have certain marine sanitation devices; to regulate the sanitation facilities of marinas and boat storage facilities; to provide for certain fees and their distribution; to prescribe criminal penalties and administrative penalties; to repeal certain laws, and to provide for a prospective effective date.

COMMITTEE ON HEALTH

By Representative Barnes:

H. 65. To create the Alabama Wagering Commission to regulate gaming and to provide for the appointment, term of office, and powers and duties of the commission.

COMMITTEE ON WAYS AND MEANS

By Representative Gullatt (With Notice and Proof):

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Harper:

H. 67. To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 68. To authorize Alabama Public School and College Authority to sell and issue thirty-five million dollars (\$35,000,000.00) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education and including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefore; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 69. To amend section 40-22-2 Code of Alabama 1975, by increasing the fees collected by the various probate judges in the state for the recording or for the filing (1) of any mortgage, deed of trust, contract of conditional sale or other instrument of like character which is given to secure the payment of any debt which conveys any real or personal property situated within this state; or (2) of any security agreement or financing statement provided for by the Uniform Commercial Code.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 70. To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 11, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 71. To expand the scope of the Financial Institution Excise Tax so as to apply such tax to business activities conducted in Alabama by out-of-state national banks and out-of-state state chartered banks.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 72. To make an appropriation for the support and maintenance of the Alabama Mining Academy located at Beville State Community College for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representatives Rockhold, Turner, McMillan, Gaston, Kvalheim, Harper, Penry, Blakeney, Mikell, Box, Buskey (JE), White, and Millican:

H. 73. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Millican:

H. 74. To change the name of the Alabama Special Educational Trust Fund.

COMMITTEE ON EDUCATION

By Representatives Rockhold, Turner, McMillan, Gaston, Kvalheim, Harper, Blakeney, Mikell, Box, Buskey (JE), White, and Millican:

H. 75. To provide for the issuance by the Marine Resources Division of the Department of Conservation and Natural Resources of a license to the operator of a fishing pier open to the general public located in the salt and brackish waters of this state; to provide that a person may fish from a licensed public fishing pier without a fishing license; to provide that the revenue from the license shall accrue to the Marine Resource Fund; and to provide penalties for violations of this act.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Harper:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

COMMITTEE ON WAYS AND MEANS

By Representative Hogan:

H. 77. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

COMMITTEE ON JUDICIARY

By Representatives Butler, Clark (J), Carter, McMillan, Starkey, Knight, Hawkins, Harper, Parker (P), Harvey, Haney, McClain, Black (M), Spratt, Bugg, Biddle, Morrow, Hall, Freeman, Smith (C), Rogers (F), Newton (D), Hamilton, Millican, McDaniel, Sanderson, Collins, Box, Powell, Smith (R), Curry, Higginbotham, Turnham, White, Cosby, Buskey (JE), Cullins, Mathis, Beasley, Gaston, Kvalheim, Rockhold, Kennedy, Mikell, Johnson, Laird, and Bryant:

H. 78. To make a supplemental appropriation from the State General Fund to the State Department of Human Resources for the fiscal year ending September 30, 1993 in the amount of \$5,500,000.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, Clark (J), Carter, McMillan, Starkey, Knight, Harper, Parker (P), Hawkins, Harvey, Haney, McClain, Black (M), Spratt, Bugg, Biddle, Morrow, Hall, Freeman, Smith (C), Rogers (F), Newton (D), Hamilton, Millican, McDaniel, Sanderson, Collins, Box, Powell, Smith (R), Curry, Higginbotham, Turnham, White, Cosby, Cullins, Mathis, Beasley, Kvalheim, Gaston, Rockhold, Kennedy, Mikell, Johnson, Laird, and Bryant:

H. 79. To amend the Code of Alabama 1975, section 40-8-3 to provide for the fiscal year 1993 distribution of the 1 mill state ad valorem tax previously dedicated for the relief of Confederate Soldiers and Sailors.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representatives Escott-Russell, Newton (D), and McClain (With Notice and Proof):

H. 81. To authorize Class 1 municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 81, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

COMMITTEE ON JUDICIARY

By Representative Zoghby:

H. 83. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

COMMITTEE ON BANKING

By Representative Zoghby:

H. 84. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

COMMITTEE ON BANKING

By Representative Zoghby:

H. 85. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

COMMITTEE ON BANKING

By Representative Harper:

H. 86. To make a supplemental appropriation from the State General Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 87. To establish funding ratios in order to ensure that the historically African-American state universities, Alabama State University and Alabama Agricultural and Mechanical University, receive funding at a level which will satisfy the court order and enable the parties to settle the litigation in Knight v. State of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 89. To further amend Section 37-3-4, Code of Alabama 1975, as amended, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Harper:

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

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By Representatives Penry and McMillan (With Notice and Proof):

H. 91. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 91, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan (With Notice and Proof):

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 92, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan (With Notice and Proof):

H. 93. Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the county commission to adopt and enforce, regulations for the moving or demolition, at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; to provide a procedure for notice, hearing, and appeal; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 93, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Cullins and Laird:

H. 94. To amend Section 32-5-240, Code of Alabama 1975, to require the use of lighting equipment on motor vehicles when windshield wipers are in use as a result of rain, sleet, or snow.

COMMITTEE ON JUDICIARY

By Representative Cullins:

H. 95. To amend Section 16-25-11.5, Code of Alabama 1975, to reopen the Teachers' Retirement System until a certain date for certain support personnel to purchase certain credit in the system.

COMMITTEE ON WAYS AND MEANS

By Representative Cullins:

H. 96. To amend Section 12-19-20 of the Code of Alabama 1975, to assess additional court costs in certain civil or criminal proceedings in circuit and district courts and to provide for the distribution of the additional court costs.

COMMITTEE ON JUDICIARY

By Representatives Harper, Buskey (JE), and Thomas:

H. 97. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 98. To require each local school board to establish a written reduction-in-force policy.

COMMITTEE ON EDUCATION

By Representative Freeman:

H. 99. To provide a phase in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies and repeal Sections 27-4-4 to 27-4-6, inclusive, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry and McMillan (With Notice and Proof):

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to

remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTIONS

The following resolution was introduced:

By Representative Campbell:

H.R. 8. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn Tuesday, September 22, 1992, we adjourn to meet again on Wednesday, September 23, 1992, at 10:00 A.M.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 8, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Cosby:

H.R. 9. COMMENDING TRACY DRAKE OF SELMA, ALABAMA.

Also:

By Representative Hammett:

H.R. 10. COMMENDING EDWINA GASKIN OF MACARTHUR STATE TECHNICAL COLLEGE FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Hammett:

H.R. 11. COMMENDING HAROLD WILLIAMS OF OPP, ALABAMA.

Also:

By Representative Hammett:

H.R. 12. COMMENDING E. E. NIX OF ANDALUSIA, ALABAMA, FOR FAITHFUL SERVICE TO IRON WHEEL LODGE 556.

Also:

By Representative Hammett:

H.R. 13. COMMENDING COVINGTON COUNTY'S FOSTER PARENTS OF THE YEAR, MILDRED AND CLYDE KENNEDY OF OPP, ALABAMA.

Also:

By Representative Hammett:

H.R. 14. COMMENDING BERTHA PARKER OF ANDALUSIA, ALABAMA, FOR DEDICATED SERVICE TO ZION STAR CHAPTER 388.

Also:

By Representative Hammett:

H.R. 15. COMMENDING MISS CLYDE SIMMONS OF ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 16. COMMENDING ROBERT D. BARTON OF ANDALUSIA, ALABAMA, ON HIS DISTINGUISHED MILITARY CAREER.

Also:

By Representative Hammett:

H.R. 17. COMMENDING DR. WILLIAM GREEN KING OF ANDALUSIA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

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Also:

By Representative Hammett:

H.R. 18. COMMENDING EDDIE CARNLEY AS ALABAMA'S
FIREFIGHTER OF THE YEAR.

Also:

By Representative Hammett:

H.R. 19. COMMENDING HEZEKIAH HOBBS ON HIS DISTINGUISHED
CAREER WITH ANDALUSIA HEALTH CARE.

Also:

By Representative Hammett:

H.R. 20. COMMENDING ROBERT SANDERS OF ANDALUSIA,
ALABAMA, OUTSTANDING INDUSTRIAL ARTS/TECHNOLOGY EDUCATION
INSTRUCTOR FOR THE STATE OF ALABAMA.

Also:

By Representative Hammett:

H.R. 21. MOURNING THE DEATH OF ANDREW S. FLOYD OF
ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 22. MOURNING THE DEATH OF JERRY ALLEN OF ANDALUSIA,
ALABAMA.

Also:

By Representative Hammett:

H.R. 23. COMMENDING SABRA CUNNINGHAM, OUTSTANDING
DISTRICT EIGHT PRESIDENT OF THE YEAR.

Also:

By Representative Hammett:

H.R. 24. MOURNING THE DEATH OF C. W. GREEN OF GANTT,
ALABAMA.

Also:

By Representative Butler:

H.R. 25. COMMENDING CHRISTINE RAY RICHARD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Representative Morrow:

H.R. 26. COMMENDING THE RAY FAMILY OF MARION COUNTY, ALABAMA.

RECESS

On motion of Representative Campbell, the House recessed for the purpose of a Joint Session.

JOINT SESSION

The hour of 6:00 o'clock p.m. having arrived, the Senate and the House of Representatives met in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Guy Hunt, Governor of the State of Alabama.

The session was called to order by Honorable Jim Folsom, Jr., Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Guy Hunt, Governor of the State of Alabama, appeared before the joint session and delivered the following address to the Members of the Legislature of Alabama:

I sincerely regret that I must ask all of you to interrupt your businesses and personal lives to come back to Montgomery ... but after all ... we were elected by the people of Alabama to lead. I appreciate your attendance here tonight ... your work in recent days to prepare for this special session ... and your dedication to the task we face together.

I do not think any of you are surprised that you are back. Last spring during the tax reform debate, I met with many of you in the speaker's office and told you that if tax reform did not pass, there would be dire circumstances. Most of you listened to me and you voted the packages out of the House.

Let me be brief and to the point tonight. On October First ... unless the Legislature acts ... we will begin the fiscal year almost 30-million dollars short in the General Fund ... at best.

As leaders of this state ... you and I cannot allow that to happen. That's why I have asked you to return in special session today. The state is in a financial crisis ... and we have a duty to address it.

The Department of Corrections is poised to eliminate more than 400 more positions ... and close more prison facilities. Already ... a brand new prison sits over in Barbour County closed because there isn't enough money to operate it. Hundreds of state prisoners sit in county jails waiting to be transferred to state prisons that don't have enough room to house them.

State troopers sit parked on the side of the road with no money for gasoline to drive their patrol cars that have a hundred, sometimes two hundred thousand miles on them.

The bodies of murder victims sit waiting for transportation to the forensic labs for autopsy.

In short ... too much of a government founded by the people sits ... doing nothing for the people.

The prisoners, the judges and the troopers sit. So the governor and the Legislature must not.

Our options are very clear ... we can allow dangerous criminals who ought to be kept behind bars regardless of the cost to be put out on the streets ... or we can show political courage and conviction and get to work raising the money this state government needs.

I say ... let the dangerous criminals stay behind bars. Let's raise the money we need to keep them there!

I have written the agenda for this special session in broad terms so as to allow the Legislature plenty of room to maneuver. The language of the proclamation allows the duly elected members of the Legislature to propose ways to raise the revenue that is needed to keep vital state services going.

There are any number of revenue measures the Legislature could consider ... but our meetings and discussions that have brought us to this point suggest there certainly is a clear consensus for adjusting the tax Alabama charges for the disposal of hazardous waste.

As you know ... the United States Supreme Court has struck down Alabama's two-tiered tax on toxic waste dumping.

I want to state for the record that I disagreed with that ruling then ... and I disagree with it now!

Toxic waste is not interstate commerce ... and toxic waste peddlers should not be able to hide from the people of Alabama using the Constitution as a veil.

Alabama ought to have the right to charge other states dearly for shipping their poisons to our backyard!

In the 1990 session I asked that out-of-state waste dumpers be charged 92-dollars and 60 cents a ton and in-state dumpers be charged 57-dollars and 60 cents a ton. Chem Waste convinced you the margin should be wider ... and this weakened our case ... as they knew it would.

Still ... the high court has spoken ... and so must the Legislature.

I believe we should set the fee for dumping any toxic waste in Alabama at 69-dollars and 50 cents a ton ... and I believe we should keep the promise we have made to future generations by keeping in place the limit on how much toxic waste can be dumped in this state. I am personally opposed to raising the cap on toxic waste dumping ... and I know that hundreds of thousands of Alabama citizens join me in that opposition. And we must not allow unlimited dumping of non hazardous waste which would open the door for New Jersey and New York garbage to be buried in Alabama.

This Legislature should not mortgage Alabama's environment to balance the budget. Alabama must never again go back to the bad old days of being the hazardous waste dumping ground of the nation.

There is a hazardous waste bill backed by Senator Gerald Dial and others that would generate about 20 million dollars for the state General Fund. This is the bill I will be supporting. There are other bills on the table as well. I urge you to consider them very carefully ... and in the end ... to pass a strong hazardous waste tax bill that will generate money for the General Fund ... but not by doubling Alabama's toxic waste burden.

Regardless of which revenue proposals you ultimately approve ... let me strongly urge you to approve something. You've been among your constituents all summer ... and I with mine. We KNOW beyond a doubt that the public will not allow us to sit back and watch the federal courts order mass releases of dangerous criminals from our prisons.

I am like most of you. I despise any kind of tax increase. But there are things that are far worse than a tax increase. And one of those is the fear that crime causes in our big cities and our little towns ... our schools and our homes.

What price can we put on the safety of our families?

How can we explain to someone brutalized by a released inmate that the budget was just too tight to keep that person in prison?

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What should we say to the child of someone killed by a drunk driver? Who wants to be the one to try to tell that child that there just wasn't enough money to keep troopers on the road?

Don't leave Montgomery with these agencies of public safety on the brink of collapse. The people of Alabama will NOT forgive you if that happens.

I want to say just a few words about January, but it is important that you start thinking about it now.

On January 4th ... 1993 ... this Legislature will reconvene in what may be the last, best hope to achieve long overdue tax and education reform for Alabama.

You know the facts: our tax system is hopelessly outdated. It gives ridiculous exemptions to some who should be paying more, and places too much burden on the poor who should be paying less.

And you also know that most of Alabama's schools are poorly funded ... and that virtually the entire structure of education has broken down.

It should be clear to everyone who will stand in this chamber on the fourth day of 1993 that our 100-year-old school system and its outdated methods and top-heavy, cumbersome bureaucracy cannot do the job on that day or any day.

During this special session we will begin preparation for the next one. I will join the speaker and the lieutenant governor in naming a 21-member committee of legislators, business and community leaders that will help us to develop a tax and education reform program that will be approved by the Legislature in January ... and ultimately will be approved by the voters of Alabama.

I am going to work hard for the next three months ... and I am going to ask this committee to work hard ... to prepare the best tax reform package possible ... and then I will be back at this podium on January the Fourth to challenge this Legislature to pass it.

Let me make this one thing very clear. I have read where many of you have been saying you want long-term tax reform. We are going to give you a chance to prove it. Be assured of this one thing: when tax reform gets to the Senate this time and some of you, like you did this year, begin pulling education accountability out of the package, this is one governor who will tell the people what you are doing, even if I must get as mean as a junkyard dog. Our children are too important to allow those who should be educating our children to drag their feet.

Ultimately ... the financial problems we meet today to address must be solved by long-range solutions. The decisions you make should be in line with that long-term goal. We do not need to do anything that must be undone in January. It will take the commitment of this Legislature and this administration to end the inequities in the tax system ... and to dramatically restructure the education system. I am here tonight to make that commitment ... and I will be back in January to make it again.

I realize these are difficult times to take on such major tasks. The politically charged atmosphere we find ourselves in these days clouds our perspective ... and leaves the people we represent worried about what lies ahead.

The people of Alabama need to have their faith that government works restored. What they don't need is more division ... more fingerpointing ... more uncertainty.

You know ... Winston Churchill once said: "In war, you can only be killed once ... but in politics, many times."

Some people have been writing my political obituary for 30 years ... but I'm still here.

Those folks who said this old farm boy couldn't survive were wrong in 1962, they were wrong in 1978, they were wrong in 1986 and in 1990 ... and they are wrong today.

I want to work with this Legislature to lead our state government to find answers to the common problems we face. To do that ... you and I have to put everything else aside ... and concentrate on the task.

Will you join with me tonight in pledging that we will work night and day to make the next two and a half years the best Alabama has ever had?

My mother and father raised me to believe in certain things. They taught me that if you work hard, put your faith in God and take care of your family, the opportunities for success will follow.

That's what we need to do now: work hard, put our faith in God, and take care of our family ... the people of Alabama.

This may be a long, hard special session. But I want you to know that my door is open to each and every one of you. And I will be up here in your offices helping any way I can. I'll be here as long as you are ... if and when you need me, so don't hesitate to call.

Let's work hard ... and don't stop until we get the job done.

Thank you all, God bless you ... and good night.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Buskey (JE) and Kennedy:

H.J.R. 27. MOURNING THE DEATH OF WILSON A. MITCHELL OF MOBILE, ALABAMA.

WHEREAS, it is with a sense of deep sorrow that the Legislature of Alabama records the tragic and untimely death of Wilson A. Mitchell of Mobile, Alabama, on August 29, 1992, at the age of just 42 years; and

WHEREAS, Mr. Mitchell, who died as a result of injuries sustained in an automobile accident, was a lifelong resident of Mobile and a resource officer for the Mobile County Public School System; and

WHEREAS, a highly regarded member of his community, Mr. Mitchell was a member of Revelation Missionary Baptist Church, Jack and Jill, Inc., and Omega Psi Phi Fraternity, Inc.; he also was president of Midnight Mystic Club, and a member of a number of other civic and community organizations; and

WHEREAS, the lamentable death of Wilson A. Mitchell has indeed left an unfathomable void in the life of the Mobile community, and in the hearts of his beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Wilson A. Mitchell of Mobile, Alabama, and extend our very deepest sympathy to his wife and son, Mrs. Ramona Mitchell and Steven Ladell Mitchell; to his sisters and brother, Vivian Gamble, Shirley Williams, Jacqueline Jackson and John Mitchell; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.J.R. 27, was adopted.

Also:

By Representative Butler:

H.J.R. 28. COMMENDING CHRISTINE RAY RICHARD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS, a native of Mississippi, and a resident of Huntsville since 1951, Christine Richard received her B.S. degree from what is now Mississippi University for Women and began a career as a teacher and librarian, working also to further educational foundation programs; and

WHEREAS, after moving to Huntsville with her husband, Ludie, Mrs. Richard worked as a placement officer and employee counselor for the government, and also assumed a leadership role in community service and support; and

WHEREAS, Mrs. Richard, over the past 40 years, has indeed significantly influenced the civic and cultural life of the Huntsville community through her work with the Girl Scouts, as a founding member of the Huntsville Group Home for Girls, and in dedicated leadership and service to First United Methodist Church, CASA, Randolph School, the Huntsville Mental Health Association, the Huntsville Museum of Art and the Huntsville Symphony Orchestra Guild, among untold other organizations; and

WHEREAS, over the years, Mrs. Richard has received numerous accolades and awards, including the first Von Braun Civic Center Award, the James Record Humanitarian Award, and the Huntsville Mental Health Association Distinguished Service Award; she also has been honored by the American Association of University Women with the designation of the Christine Ray Richard Fellowship Award, and was recognized as a National Girl Scouts' "Hidden Heroine" and as a recipient of the "Thanks" badge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding community service and contributions to the Huntsville community, we hereby most highly commend Mrs. Christine Ray Richard, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 28, was adopted.

Also:

By Representative Cosby:

H.J.R. 29. COMMENDING THE MATH TEAM OF MORGAN ACADEMY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most highly commends and congratulates the math team of Morgan Academy as a top winner in the Alabama Independent School Association's District 5 Math Contest; and

WHEREAS, Morgan Academy, under the able leadership of sponsor Larry Highsmith, took second place honors in the competitive district meet; the winning team members were second high scorer, Jennifer Williamson, along with Jamie Thomas, Ashley Delp, Jennifer Kinard, Jay Dellinger and Jason Bearden; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the math team of Morgan Academy of Selma, Alabama, as a top winner in District 5 math competition of the Alabama Independent School Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Dr. Christopher deBuzna, Headmaster at Morgan Academy, for appropriate presentation and display.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 29, was adopted.

Also:

By Representative Cosby:

H.J.R. 30. COMMENDING THE MATH TEAM OF MEADOWVIEW CHRISTIAN OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most highly commends and congratulates the math team of Meadowview Christian as top winner in the Alabama Independent School Association's District 5 Math Contest; and

WHEREAS, Meadowview Christian, under the able leadership of sponsor, Kitty Williamson, took first place honors in the competitive district meet; the winning team members were high scorer Heather Bruner, along with Wendy Speed, Jenny Barton, Ashley Hale, Shonna Loftin and Bo Byrd; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the math team of Meadowview Christian of Selma, Alabama, as top winner in District 5 math competition of the Alabama Independent School Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Dr. William Housley, Headmaster at Meadowview Academy, for appropriate presentation and display.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 30, was adopted.

Also:

By Representative Cosby:

H.J.R. 31. COMMENDING HAROLD FREDERICK BARTON FOR DISTINGUISHED SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1963-1992.

WHEREAS, it is with highest commendation that the Alabama Legislature commends Harold Frederick Barton of Selma, Alabama, for invaluable service to the Department of Public Safety and the State of Alabama; and

WHEREAS, Lieutenant "Sonny" Barton's distinguished career began in June 1963 as a State Trooper Cadet in Grove Hill and, through successive promotions thereafter, he rose rapidly through the ranks to Lieutenant and Assistant Troop Commander of the Selma Highway Patrol, his position at retirement; and

WHEREAS, in addition to Grove Hill, Lieutenant Barton also was assigned to posts in Demopolis and Atmore, prior to being transferred in June 1968 to Selma, where he has since remained, serving as Post Commander of the Selma Post, Deputy Director of the Alabama Criminal Justice Training Center, and as Assistant Troop Commander, among other positions; and

WHEREAS, Lieutenant Barton, who is a graduate of numerous law enforcement schools, including the Southern Police Institute at the University of Louisville, has compiled an impeccable record of service during his more than 29 years with the Department of Public Safety, and has thereby earned the highest regard of his professional peers, and the gratitude of the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Department of Public Safety, we hereby commend Lieutenant "Sonny" Barton of Selma, Alabama, for whom copies of this resolution shall be provided that he and his wife, Charlotte Barton, and his daughters, Jennifer and Belinda, may know of our sincere praise of such an exemplary public servant who has long and well served the State of Alabama and all citizens thereof.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 31, was adopted.

Also:

By Representative Hammett:

H.J.R. 32. NAMING "VETERANS MEMORIAL PARKWAY" IN OPP, ALABAMA.

WHEREAS, by unanimous vote of Opp Post 6622 Veterans of Foreign Wars, a resolution has been passed that a portion of U. S. Highway 331 in Opp, Alabama, heretofore undesignated, be named in tribute to our military veterans who honorably served their country, including many who were prisoners of war, and as a memorial to those who paid the supreme sacrifice; and

WHEREAS, said resolution was further adopted and approved by the Mayor and City Council of Opp; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 331 in Opp, Alabama, between Hart Avenue and Cooks Bridge over Lake Frank Jackson, is hereby named and designated, and shall be dedicated, as "Veterans Memorial Parkway."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers, so designating said portion of U. S. Highway 331 as "Veterans Memorial Parkway."

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 32, was adopted.

Also:

By Representatives Venable, Mikell and Clay:

H.J.R. 33. NAMING "TUKABATCHEE ROAD" IN ELMORE COUNTY AND MACON COUNTY, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 229 South in Elmore County and Macon County, from the intersection of Elmore County Road 4 to the I-85 interchange at Milstead, as the "Tukabatchee Road."

BE IT FURTHER RESOLVED, That the proper authorities are herein authorized to erect and maintain appropriate signs and markers identifying said highway portion as "Tuckabatchee Road."

On motion of Representative Venable, the rules were suspended and the resolution, H.J.R. 33, was adopted.

Also:

By Representative Gaston:

H.J.R. 34. MOURNING THE DEATH OF BARRY MAXWELL CLARK, A VALIANT AMERICAN PATRIOT.

WHEREAS, it is with deep and abiding grief that the Legislature of Alabama records the death of Barry Maxwell Clark, a brave and stalwart son of Alabama who, at the age of just 26 years, was killed in action on January 31, 1991, in the service of his country; and

WHEREAS, an extraordinarily fine young man, Barry Clark was educated in the public schools of Columbia, Mississippi; Columbia Academy in Columbia, Mississippi; University Military School in Mobile, Alabama; Scarbrough Middle School, Mobile; and at Mobile's John F. Shaw High School where he graduated with the Class of 1983; and

WHEREAS, during his school years, Barry Clark was involved in numerous scholastic and extracurricular activities including the UMC Glee Club, football and band at Scarbrough Middle School, and at Shaw High School, was a member of the Drama Club and the "Pride of Mobile" Band under Sirmon Lee and David Duiitt, achieving such distinctions as Band Officer, "Most Outstanding Bandsman"; All-State Band for two years, as well as Solo and Ensemble competition; and

WHEREAS, in community activities and achievement, he was a handbell soloist at many churches and for numerous weddings; was a tuba soloist; bass guitarist with the "Harvest" religious musical group; participated in church youth and choir activities; and, as a very versatile and talented musician, played seven different musical instruments; and

WHEREAS, following graduation from Shaw High School, young Barry Clark attended the University of Southern Mississippi in Hattiesburg, Mississippi, where he was an assistant to the Minister of Music at Main Street Baptist Church, and also attended Mobile Baptist College in Mobile; in answer to God's call to the Music Ministry, he trained in this field until circumstances and obligations interrupted his education; and

WHEREAS, Barry Clark joined the United States Air Force on August 2, 1985, in Montgomery, Alabama; he then completed basic training, served as a ground crewman with the F-15 Fighter Squadron, Eglin AFB, Florida, and then as aerial gunner with the 16th Special Operations Squadron at Hurlbert Field, Florida, at the time his unit was deployed to the Persian Gulf during Operation Desert Shield/Desert Storm; and

WHEREAS, on January 31, 1991, at 2:16 a.m., Barry and 13 other crewmen departed King Fahd International Airport aboard an AC-130-H Spectre Gunship, call sign "Spirit 03" and commanded by Major Paul J. Weaver, on a combat mission over Northeast Saudi Arabia and Southeast Kuwait; at 5:45 a.m., "Spirit 03" was tasked to attack Free Rocket Over Ground (FROG) missiles by the Marine Direct Air Support Center; at 6:19 a.m., Airborne Early Warning and Control System (AWACS) personnel directed Spirit 03 to return to base and Spirit 03 acknowledged; at 6:24 a.m., AWACS heard a weak mayday and, upon receiving no reply to a radio check with Spirit 03, immediately began Search and Rescue efforts which proved unsuccessful; and

WHEREAS, on March 4, 1991, following the liberation of Kuwait, search crews located a crash site one-half mile off the coast in the Persian Gulf near the Kuwait-Saudi Arabia border and, on March 5, 1991, a dive team confirmed this to be the wreckage of "Spirit 03," and concluded that there were no survivors; and

WHEREAS, while attempting the assigned task, "Spirit 03" was in contact with Marine ground troops, attacking various targets involved in the Battle of Kafji, and it is believed they were doing precisely this at 6:19 a.m. when ordered back to base; the plane, however, instead of being well off the coast and out of harm's way, took a hit from either a missile or AAA; as it was already daylight and the Spectre Gunship is only a night-fighting plane, acceptance of the task itself was an act of courage, and for this and their gallantry in action, all 14 men were awarded the Silver Star, the third highest honor a member of the military can achieve; and

WHEREAS, reflecting the outstanding courage displayed by Barry Clark and his commitment to his military career are such awards as the Silver Star, Air Medal, Combat Readiness Medal, National Defense Service Medal, Southwest Asia Service Medal, NCO Professional Military, Education Ribbon with one Oak Leaf, Enlisted Aircrew Wings (Basic), Purple Heart, Air Force Achievement Medal, Air Force Good Conduct Medal, Armed Forces Expeditionary Medal, AF Longevity Service Award Ribbon, Air Force Training Ribbon and Aircraft Maintenance Badge; and

WHEREAS, Barry Clark accepted Christ as a very young man at the First Baptist Church, Columbia, Mississippi, Dr. Howard Aultman, Pastor, during a revival with Angel Martinez preaching, and under the tutelage and influence of such people as Billy Jack Green, Guthrie Curtis, Bernie Parker, Tad Denson, and his parents, became a devout and dedicated young man, resulting in his accepting God's call into the Music Ministry; although deterred in this pursuit, neither his spirituality nor his love for music was diminished, as evidenced by reports that, until his death, he was continually witnessing to and counseling those around him, including his four and six-year-old daughters, and was especially aware of and intrigued by the locale of Desert Shield/Desert Storm, and its possible significance in relation to end-of-time prophecies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Sergeant Barry Maxwell Clark, USAF, and extend our deepest and most heartfelt sympathy to his wife and two young daughters, the former Stephanie Gaye Farmer, and Janna and Rebecca Clark; to his loving parents, Billie Cooksey and Betty Ward Haskins Clark of Mobile, Alabama; and to other family members and friends, whose sorrow we share and with whom we grieve in the lamentable death of a distinguished young Alabamian, and a truly courageous young American patriot.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the family of Barry Maxwell Clark.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 34, was adopted.

Also:

By Representative Gaston:

H.J.R. 35. COMMENDING PERRY JAMES OUTLAW FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

WHEREAS, the Alabama Legislature, in consensus of commendation, recognizes Perry James Outlaw of Mobile, Alabama, on the occasion of his retirement following a distinguished career in the field of education for 28 years; and

WHEREAS, for Perry James Outlaw, the conclusion of the 1991-1992 school year marked the end of a long and successful tenure at Ben C. Rain High School in Mobile; and

WHEREAS, Mr. Outlaw, a graduate of Jackson High School, earned his B.S. and M.A. degrees from Auburn University, his AA certification from the University of Alabama, and taught and coached at Clark County High School (1964-65) and Evergreen High School (1965-67), prior to joining the faculty at Ben C. Rain in 1967; and

WHEREAS, the recipient of the 1991-92 Gold Award, Mr. Outlaw, over the course of his 25-year tenure at Ben C. Rain, served in such capacities as teacher, coach, Social Studies Department chairman, curriculum specialist, SACS and advanced placement coordinator, textbook and adopt-a-school coordinator, and as assistant principal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to public education, we hereby most highly commend Perry James Outlaw of Mobile, Alabama, and direct that he receive a copy of this resolution of sincere personal regard and esteem.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 35, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bennett, Waggoner, and Amari:

S.J.R. 6. COMMENDING HOMEWOOD MAYOR ROBERT G. WALDROP FOR 24 YEARS OF LEADERSHIP.

Also:

By Senator Little:

S.J.R. 7. MOURNING THE DEATH OF JERRY SHREVE FARROW.

Also:

By Senator Smith (J):

S.J.R. 8. MOURNING THE DEATH OF JOHN CASIMIR PIERZALA OF HUNTSVILLE, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Gaines, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 8, the title of which is set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 36. EXPRESSING SUPPORT FOR UNITED STATES SENATE BILL 1002, MAKING IT A FEDERAL CRIME TO LEAVE OR REMAIN OUTSIDE A STATE FOR THE PURPOSE OF AVOIDING PAYMENT OF ARREARAGE IN CHILD SUPPORT.

WHEREAS, United States Senator Richard Shelby of this state has filed U.S. Senate Bill 1002 to amend the Federal Criminal Code to make it a federal criminal offense to leave or remain outside a state for the purpose of avoiding payment of arrearages in child support; and

WHEREAS, the Alabama Legislature recognizes that the minor children of the State of Alabama have experienced undue hardships in cases where the non-custodial parent has left or remained outside the state for the purpose of avoiding payment of child support; and

WHEREAS, the Alabama Legislature notes that U.S. Senate Bill 1002, if passed, will provide an effective tool to combat this problem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do express support for U.S. Senate Bill 1002 and urge its swift passage.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Shelby and all members of the Alabama congressional delegation so that they may know of our support of this bill.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 36, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Dixon, Bolling, and Ellis.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Smith (R), Haney and Morton.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6 o'clock P.M. on September 21, 1992, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators: Lipscomb, Waggoner, and Amari.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Smith (R), Haney and Morton.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 3. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Monday, September 21, 1992, they adjourn to meet again on Tuesday, September 22, 1992; and when they adjourn on Tuesday, September 22, 1992, they adjourn to meet again on Wednesday, September 23, 1992.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 3, set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Buskey (JE) and Kennedy:

H.R. 37. MOURNING THE DEATH OF WILSON A. MITCHELL OF MOBILE, ALABAMA.

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Also:

By Representatives Buskey (JE) and Kennedy:

H.R. 38. RECOGNIZING THE 11TH ANNIVERSARY OF DR. CLYDE MAYE, JR.'S, PASTORATE AT LIBERTY MISSIONARY BAPTIST CHURCH IN MOBILE, ALABAMA.

Also:

By Representative Hammett:

H.R. 39. MOURNING THE DEATH OF JAMES LELAND THOMASSON OF ANDALUSIA, ALABAMA.

LEAVE OF ABSENCE

At the request of Representative Carter, leave of absence was granted for Representative Carns.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Morrow:

H.R. 40. COMMENDING THE RUSSELLVILLE CITY SCHOOL SYSTEM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Morrow:

H.R. 41. COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Morrow:

H.R. 42. COMMENDING THE FRANKLIN COUNTY SCHOOLS FOR EXTRAORDINARY ACHIEVEMENT.

ADJOURNMENT

On motion of Representative Hammett and pursuant to the resolution, H.R. 4, heretofore adopted, the House adjourned until 4:00 o'clock p.m., Tuesday, September 22, 1992.

SECOND DAY

**House of Representatives
Montgomery, Alabama
Tuesday, September 22, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend James Carpenter, First Methodist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Christen Jean Coleman, Prattville High School, 10th Grade.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the first legislative day was approved.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Powell:

H.R. 43. COMMENDING JAMES THOMAS POWELL FOR OUTSTANDING SERVICE TO THE AUTAUGA COUNTY SCHOOLS.

Also:

By Representative Butler:

H.R. 44. COMMENDING THE HUNTSVILLE DIVISION OF THE U. S. ARMY CORPS OF ENGINEERS.

Also:

The following resolutions were introduced:

By Representatives Butler, Freeman, Haney, Sanderford, Hall and Carter:

H.J.R. 45. COMMENDING THE HUNTSVILLE DIVISION OF THE U. S. ARMY CORPS OF ENGINEERS.

WHEREAS, the Huntsville Division of the U. S. Army Corps of Engineers was established October 15, 1967, in order to support the country's Anti-Ballistic Missile Defense System; and

WHEREAS, Huntsville Division is a specialized agency of the Corps of Engineers, which, unlike the other Corps Divisions and Districts, has no geographical or water basin boundaries; and

WHEREAS, the Division's projects are broad in scope, cross Corps of Engineers boundaries, require standardization of multiple site adaptation, or were formerly performed by Headquarters, U. S. Army Corps of Engineers; and

WHEREAS, after the Division's successful completion of construction for the massive Perimeter Acquisition Radar Facility in Grand Forks, North Dakota, under the Anti-Ballistic Missile Program, the country successfully negotiated the Strategic Arms Limitations Treaty; and

WHEREAS, Huntsville Division then turned its impressive talents to many other complex and highly specialized missions, to include: projects of national importance or those which are broad in scope; projects crossing Corps of Engineers boundaries; projects requiring commonality, standardization, multiple site adaptation or technology transfer; projects requiring centralized management; and operational functions previously performed by Corps Headquarters; and

WHEREAS, these missions require the specialized services of nearly six hundred highly trained and motivated employees from throughout the Tennessee Valley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and most heartily congratulate the Huntsville Division of the U. S. Army Corps of Engineers upon reaching its twenty-fifth anniversary milestone, and do hereby direct that a copy of this resolution be forwarded to the Division with all best wishes for a bright future of continued excellence.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 45, was adopted.

Also:

By Representative Cosby:

H.J.R. 46. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint legislative committee is created to study the development of markets in this state for recovered materials and products with recycled content, and the feasibility of offering tax incentives, governmental assistance, and other types of aid to facilitate the development of the markets.

The committee shall be composed of four members of the Senate appointed by the President of the Senate and four members of the House of Representatives appointed by the Speaker of the House of Representatives. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide clerical assistance necessary for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1993 Regular Session, at which time the committee shall be dissolved. Each member of the committee shall serve without receiving any additional compensation. All state agencies and departments shall assist the committee, including, but not limited to, the Alabama Development Office and the Department of Environmental Management.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 46, was adopted.

RECESS

The Speaker declared an informal recess.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

H. 73 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 73, from the Standing Committee on Agriculture, Forestry and Natural Resources to the Standing Committee on Ways and Means.

H. 75 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 75, from the Standing Committee on Agriculture, Forestry and Natural Resources to the Standing Committee on Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turnham, House Rules 58 and 59 were suspended in order to permit the Standing Committee on Ways and Means to meet in order to consider the bills, H. 73 and H. 75.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Freeman:

H. 101. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

COMMITTEE ON JUDICIARY

By Representative Barnes (With Notice and Proof):

H. 102. To amend Section 11-52-3 of the Code of Alabama 1975, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Higginbotham:

H. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as contained in the 1991 Cumulative Supplement to certain volumes of the Code and in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code; and to make corrections in certain volumes of the cumulative supplement and the 1991 Replacement Volume 18.

COMMITTEE ON JUDICIARY

By Representative Petelos (With Notice and Proof):

H. 104. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

COMMITTEE ON LOCAL LEGISLATION NO. 2

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 104, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Petelos and Newton (D) (With Notice and Proof):

H. 105. Relating to Jefferson County; to further amend Section 18 of Act No. 248, H. 580, 1945 Regular Session, as amended, relating to creating and establishing a countywide civil service system, to provide for additional names to be certified for vacancies in the classified service.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Starkey:

H. 106. To amend Sections 41-9-780, 41-9-781, 41-9-782, 41-9-783, 41-9-784, 41-9-785, 41-9-786, and 41-9-787 of the Code of Alabama 1975, relating to the Tennessee Valley Commission, to remove the limitation on materials used to construct the facilities of the commission; to reuse the authority to enter into agreements to operate the concessions; to provide for the allocation and expenditures of funds; and to make technical, clarifying, and nonsubstantive changes.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Petelos and Gaines:

H. 107. To require that a tax stamp be placed on each bail bond issued; to provide for the collection and distribution of net proceeds to the Department of Corrections for certain alternate sentencing programs and the implementation of the act; and to impose criminal penalties upon violations of this act which are cumulative to any other penalty.

COMMITTEE ON WAYS AND MEANS

By Representative Gaines (With Notice and Proof):

H. 108. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sanderford and Haney:

H. 109. To raise revenue and to that end to repeal Sections 27-4-4, 27-4-5, and 27-4-6 and to enact "The Insurance Premium Tax Reform Act of 1992," which will provide a phase in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 110. To appropriate from the general fund for the fiscal year ending September 30, 1993, the sum of \$375,000 for use by the Department of Agriculture and Industries.

COMMITTEE ON WAYS AND MEANS

By Representatives Knight and Hill:

H. 111. To make an appropriation to the Shelby County Board of Education for capital outlay for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 47. CONGRATULATING MRS. ALBERTA WALLACE POWE ON HER 100TH BIRTHDAY.

Also:

By Representative Black (L):

H.R. 48. COMMENDING ROSE WIMBERLY FOR OUTSTANDING SERVICE.

Also:

By Representative Black (L):

H.R. 49. COMMENDING LLOYD C. MAYE FOR DISTINGUISHED SERVICE.

Also:

By Representatives Black (L) and Kennedy:

H.R. 50. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Hooper and Cosby:

H.J.R. 51. INVITING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE REGARDING UNFUNDED FEDERAL MANDATES.

WHEREAS, the number of unfunded federal mandates imposed upon the states by the United States Congress has alarmingly increased in recent years; and

WHEREAS, this continuing imposition places Alabama and her sister states in the precarious position of either attempting to fund the federal requirements with diminishing amounts of available revenue or jeopardizing eligibility for certain federal funds; and

WHEREAS, states and the United States Congress should engage in earnest discussions regarding the difficult posture in which the states have been cast and the urgent necessity of the states to receive monetary assistance for these mandates or relief from the enforcement of these unfunded decrees; and

WHEREAS, the members of the Legislature of Alabama desire to personally communicate with the Alabama Delegation to the United States Congress concerning this critical problem so that our representatives may be completely cognizant of the effect the actions of the federal government have at the state legislative level and may be more sensitive to the difficulties unfunded federal mandates create; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all members of the Alabama Delegation to the

United States Congress are respectfully requested to appear before a joint session of the Legislature of Alabama to discuss the problems related to unfunded federal mandates.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives, by copy of this resolution, advise each member of the Alabama Congressional Delegation of this invitation and of our hopeful anticipation of their acceptance.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 51, was adopted.

Also:

By Representative Mathis:

H.J.R. 52. COMMENDING MR. AND MRS. MELVIN ROY REEDER ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the institution of marriage is one of the cornerstones upon which our society is built, and a 50th Wedding Anniversary is cause for great rejoicing; and

WHEREAS, Mr. and Mrs. Melvin Roy Reeder were married on March 17, 1942, in Columbus, Georgia, and recently celebrated their 50th Wedding Anniversary; and

WHEREAS, Melvin Roy Reeder is the oldest son of Jesse and Nettie Reeder, and his wife, Hethel Louise Butler, is the oldest daughter of Brade and Albie Butler, all of Geneva County; and

WHEREAS, both Melvin and Hethel's grandparents were among the first settlers in Geneva County; and

WHEREAS, Mr. and Mrs. Reeder have three sons, Melvin Eugene, Bobby Donald, and Tony Edwin; and they have seven grandchildren and two great-grandchildren, all of whom they are justly proud; and

WHEREAS, in 1943, Melvin and Hethel settled on a farm in Geneva County near Slocomb, Alabama, where they prospered by farming every year until their retirement in 1986, on a farm now named the "Four R Farms" based on the years they farmed with their three sons; and

WHEREAS, the lasting partnership of Mr. and Mrs. Reeder is an example of trust and devotion to all who have witnessed their commitment to the ideals of marriage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends sincere best wishes and congratulations to Mr. and Mrs. Melvin Roy Reeder on the celebration of their Golden Wedding Anniversary.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Reeder receive a copy of this resolution, executed in highest personal regard and with best wishes for many more happy years together.

On motion of Representative Mathis, the rules were suspended and the resolution, H.J.R. 52, was adopted.

Also:

By Representative Mathis:

H.J.R. 53. COMMENDING MRS. EUNA FAYE WISE UPON HER NOMINATION FOR THE FIRST JOHN F. KENNEDY PROFILE IN COURAGE AWARD.

WHEREAS, the Legislature of Alabama notes with pride and admiration the nomination of Mrs. Euna Faye Wise for the first John F. Kennedy Profile in Courage Award; and

WHEREAS, Mrs. Wise of Samson, Alabama, is a widow and the grandmother of four, was the inspiration behind a small farming community in South Alabama working together to preserve a private retirement home and helping to promote the heritage and economy of the town of Samson through involvement in a fall festival; and

WHEREAS, the House of Lydia was built as a boarding house for retirees by the Piney Grove Baptist Church, a small rural church north of Samson, and was not required to install fire safety equipment; and

WHEREAS, the House of Lydia opened its doors to people who required assistance with daily living, and the Alabama Department of Public Health required compliance with fire code regulations as a prerequisite for licensing as an assisted-care facility; and

WHEREAS, due to a lack of funding, Mrs. Wise was instrumental in asking city and county government officials and Samson businesses to form a corporation to oversee the daily operation of the facility and begin to raise the estimated \$40,000 needed to fund the fire equipment costs; and

WHEREAS, the same unselfish desire Mrs. Wise demonstrated to the town to work with the community to preserve the House of Lydia also has helped increase the interest in preserving the history of Samson and the rural South through the establishment of the Samson Log House Museum and the annual

Samson Fall Folk Festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Mrs. Euna Faye Wise for outstanding community leadership, service, and on her nomination for the first John F. Kennedy Profile in Courage Award, and do further direct that she receive a copy of this resolution of respect, gratitude, and warmest personal regard.

On motion of Representative Mathis, the rules were suspended and the resolution, H.J.R. 53, was adopted.

Also:

By Representatives McMillan and Penry:

H.J.R. 54. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Central Baldwin's Belles as runners-up to the Belles World Series Championship; and

WHEREAS, Central Baldwin's age 15-under fast-pitch softball team, managed by Alton Black, and coached by Alton Black, Janie Black and Steve Lambert, won the state Belles Championship this past summer, thereby advancing further in the World Series than any previous Central Baldwin Dixie Girls team in the history of the competition; and

WHEREAS, Central Baldwin's All-Stars, in the World Series, played three games during an 18-hour period and, after advancing to the championship finals by beating Texas (5-1), claimed their number-two national ranking, following a loss to the Mississippi team; and

WHEREAS, Central Baldwin's Belles are Shelby Mattingly, who won the World Series batting award, and Devan Wagner, April Lambert, Jill Lambert, Christina Steiner, Chesley Long, Sharla Berry, Amy Brown, Christina Lazzari, Lorrie Ledlow, Beth Waters, Carrie Payne, Holly Driver and Kristi Black; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as runners-up to the Belles World Series Championship, we hereby most highly commend Central Baldwin's Belles, for whom copies of this congratulatory resolution shall be provided.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 54, was adopted.

Also:

By Representatives Penry and McMillan:

H.J.R. 55. COMMENDING JOHN FOSTER OF FOLEY, ALABAMA, AS FREE ENTERPRISE PERSON FOR 1992.

WHEREAS, in consensus of commendation with the South Baldwin Chamber of Commerce, the Alabama Legislature notes the chamber's selection of John Foster of Foley, Alabama, as Enterprise Person of the Year for 1992; and

WHEREAS, a prominent area physician, Dr. Foster was reared in Mobile and later moved to Pascagoula, Mississippi, where he was valedictorian of his high school class; he received his medical education at the University of Alabama and LSU Medical School, and after practicing for a short period of time in Lineville, Alabama, moved to Foley in 1955; and

WHEREAS, Dr. Foster, who was lauded as being primarily responsible for the excellent medical care available to the residents of South Baldwin County, is a former Rotarian, served as a member of the Foley City Council for 28 years, and is a past president of the South Baldwin Chamber of Commerce; and

WHEREAS, in these capacities, and through further support and promotion of the principles of the free enterprise system, Dr. John Foley, by the chamber's criteria, is a most well-deserving recipient of this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Foley and South Baldwin County, we hereby commend and congratulate Dr. John Foster, South Baldwin Chamber of Commerce Free Enterprise Person for 1992, and do further direct that he receive a copy of this resolution of highest personal regard.

On motion of Representative Penry, the rules were suspended and the resolution, H.J.R. 55, was adopted.

Also:

By Representative McKee:

H.J.R. 56. COMMENDING RETIRED CHIEF INVESTIGATOR WILLIAM T. SHERIFF, SR. OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama notes, with highest commendation, the outstanding law enforcement career of William T. Sheriff, Sr., of Montgomery, Alabama, who retired officially on October 1, 1992, as Chief Investigator of Alabama Ethics Commission; and

WHEREAS, Chief William Sheriff, whose distinguished career spanned a period of 44 years, had served for 13 1/2 years as Alabama Ethics Commission's Chief Investigator; previously served as Baliff of the 15th Judicial Circuit of Alabama for a period of 2 years; and also previously served with distinction as a member of the City of Montgomery Police Department beginning in 1948 until his retirement in 1976; and

WHEREAS, during his 28 year tenure with the Montgomery Police Department, he rose through the ranks from Police Patrolman to Assistant Chief of Police, having served in the latter position for a period of 6 years prior to his honorable retirement; and

WHEREAS, during Chief Sheriff's tenure with the Montgomery Police Department, he was successful in the organization of the Department's radio and telephone communications system and the first centralized records system throughout the Department; and

WHEREAS, during his last 3 years' service with the Montgomery Police Department, he served as the Department's Field Commander and organizer of the Department's Strike Force Unit (a Special Weapons and Tactical Force); and also successfully organized the Department's Animal Control Unit, the Park Rangers and the Airport Security Force; and

WHEREAS, during his tenure with the Alabama Ethics Commission, Chief Sheriff conducted numerous investigations involving public officials and employees at the state, county and municipal levels of government with tact, discretion and thoroughness; and

WHEREAS, Chief Sheriff's longtime career as a law enforcement officer was indeed outstanding, both in length of service and in achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend retired Chief Investigator William T. Sheriff, Sr., and direct that he receive a copy of this resolution expressing our sincere warm praise and best wishes for every continuing success in life.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 56, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Higginbotham:

H.R. 57. COMMENDING DAVID MCCONNELL OF SALEM, ALABAMA.

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Also:

By Representative Blakeney:

H.R. 58. MOURNING THE DEATH OF BOBBY SCRUGGS OF GALLION, ALABAMA.

Also:

The following resolution was introduced:

By Representative Gaston:

H.J.R. 59. COMMENDING CHARLIE GRANADE OF MOBILE, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Legislature of Alabama notes the many accomplishments of Charlie Granade, a 1991-92 graduate of Mobile's Shaw High School; and

WHEREAS, lauded by his teachers, admired and respected by his peers, Charlie Granade is indeed an exceptional young man of extraordinary talent and ability; and

WHEREAS, named class valedictorian, he served not only as president of the student council, but as an officer or representative on the council for 4 years, as well; he was instrumental in organizing an effort to build on-campus bleachers for athletic events, among numerous other accomplishments, and in community involvement, actively participated in all phases of youth activity at Dauphin Way Baptist Church; and

WHEREAS, chosen for the Most Outstanding Senior Award by the faculty at Shaw High, Charlie was also the recipient of the DAR's Outstanding Senior Award and the Randolph Hearst Award, and was selected Student of the Week by WPML Fox 15 Television Station and the Buffalo Rock Bottling Company, among other recognitions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Charlie Granade of Mobile, Alabama, a young man in whom we are justly proud, and for whom a copy of this resolution shall be provided that he may know of our sincere admiration and warm best wishes for every future success in life.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 59, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 70. (With Substitute): To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 11, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 69. (With Amendment): To amend section 40-22-2 Code of Alabama 1975, by increasing the fees collected by the various probate judges in the state for the recording or for the filing (1) of any mortgage, deed of trust, contract of conditional sale or other instrument of like character which is given to secure the payment of any debt which conveys any real or personal property situated within this state; or (2) of any security agreement or financing statement provided for by the Uniform Commercial Code.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 71. (With Substitute): To expand the scope of the Financial Institution Excise Tax so as to apply such tax to business activities conducted in Alabama by out-of-state national banks and out-of-state state chartered banks.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30,

1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

H. 1. To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee and the sales price of the property or its fair market value if greater than the sales price.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 12. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

H. 13. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

H. 14. To repeal Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

H. 15. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

H. 16. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

H. 17. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

H. 18. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 28. (With Amendment): To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 73. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

H. 75. To provide for the issuance by the Marine Resources Division of the Department of Conservation and Natural Resources of a license to the operator of a fishing pier open to the general public located in the salt and brackish waters of this state; to provide that a person may fish from a licensed public fishing pier without a fishing license; to provide that the revenue from the license shall accrue to the Marine Resource Fund; and to provide penalties for violations of this act.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 80. (With Amendment): To make an appropriation to the Alabama Historical Commission for capital outlay for the fiscal year ending September 30, 1993.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

H. 97. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 26. (With Amendments): To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 24. To make a supplemental appropriation to the Department of Public Safety from the State General Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 27. (With Amendment): To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$15,500,000 for the fiscal year ending September 30, 1993.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 67. (With Substitute): To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 72. To make an appropriation for the support and maintenance of the Alabama Mining Academy located at Beville State Community College for the fiscal year ending September 30, 1993.

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 54. (With Substitute): To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, H. 588, 1992 Regular Session, relating to the recordkeeping requirements and corresponding liability for the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 56. To provide further for certain sales and use tax exemptions, to amend sections 40-23-1, 40-23-4, and 40-23-62, Code of Alabama 1975.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 78. (With Substitute): To make a supplemental appropriation from the State General Fund to the State Department of Human Resources for the fiscal year ending September 30, 1993 in the amount of \$5,500,000.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 50. To amend Section 4 of Act No. 91-546, H. 596, 1991 Regular Session, which act relates to tax exemptions on certain ships and vessels, to provide further for the retroactive effective date of the act.

H. 51. To provide a credit for certain service in the determination of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 87. (With Amendment): To establish funding ratios in order to ensure that the historically African-American state universities, Alabama State University and Alabama Agricultural and Mechanical University, receive funding at a level which will satisfy the court order and enable the parties to settle the litigation in Knight v. State of Alabama.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 68. (With Substitute) (With Amendment): To authorize Alabama Public School and College Authority to sell and issue thirty-five million dollars (\$35,000,000.00) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education and including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefore; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 42. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of the member institutions to designate an officer or employee of the institution to serve on the board.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 4. (With Substitute) (With Amendments): To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 6. Proposing an amendment to Sections 232, 233, 234, and 237 of the Constitution of Alabama of 1901, as amended, relating to corporations to authorize the Legislature to define the activities that do or do not constitute the doing of business in Alabama by foreign corporations, to permit domestic corporations to engage in certain business not expressly authorized by its charter, to remove certain restrictions on the issuance of stock and bonds by domestic corporations, and to permit domestic corporations to issue preferred stock as authorized by general law.

The above bill was read a second time at length as required by the Constitution.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 21. (With Amendment): To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 20. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

H. 11. To amend Section 14-9-41 of the Code of Alabama 1975, as amended by Act No. 91-637, H. 194 of the 1991 Regular Session which relates to

the computation of incentive time deductions; to continue the application of correctional incentive time while the inmate is on parole; and to authorize the Board of Pardons and Paroles to restore certain forfeited incentive time.

H. 48. To provide that the Alabama Coalition Against Domestic Violence, Incorporated, shall establish standards for domestic violence shelters for membership in the coalition; and to provide that domestic violence shelters within the State of Alabama that meet the standards shall be eligible for receiving state funds.

H. 77. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 64. To prohibit the discharge of waste and sewage into the waters of the state; to require certain vessels and structures to have certain marine sanitation devices; to regulate the sanitation facilities of marinas and boat storage facilities; to provide for certain fees and their distribution; to prescribe criminal penalties and administrative penalties; to repeal certain laws, and to provide for a prospective effective date.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 83. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

H. 84. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of

Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

H. 85. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 8. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

H. 40. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

H. 98. To require each local school board to establish a written reduction-in-force policy.

H. 74. To change the name of the Alabama Special Educational Trust Fund.

H. 52. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to vacations and leaves of absence, so to further allow local boards of education greater flexibility in the development of local board policies.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 89. To further amend Section 37-3-4, Code of Alabama 1975, as amended, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

H. 33. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize user fees for the system, create a special account for those fees in the State Treasury, provide for the use of the fees only for the use of the system, and provide for retroactive effect to October 7, 1975.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 36. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 35. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 55. (With Substitute): To amend Section 11-98-1, Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 59. To amend Section 41-16-50, Code of Alabama 1975, to provide for the award of competitive bid contracts by counties and municipalities for the purchase of personal property.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

The above bill was read a second time at length as required by the Constitution.

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 91. (With Substitute): Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

H. 93. Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the county commission to adopt and enforce, regulations for the moving or demolition, at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; to provide a procedure for notice, hearing, and appeal; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

H. 10. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any

retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

H. 53. Relating to governing bodies of Class I municipalities, the governing bodies of counties in which Class I municipalities are primarily located, other governing bodies of municipalities in those counties, and certain zoological societies in those counties; to authorize those governing bodies or societies to individually or jointly incorporate and amend articles of incorporation as a public authority for the purpose of leasing, owning, or operating a zoological park, natatorium, or aquarium, or any combination thereof, in the county; to provide for the election and compensation of members of any such authority; to provide for powers, responsibilities, and duties of any such authority and its board of directors; to provide certain tax exemptions and immunity from tort liability to any such authority; to authorize the issuance of revenue bonds and securities by any such authority and to specify sources of revenue for those bonds; to require compliance with the state ethics, competitive bid, access to public records, and public meeting statutes; to specifically authorize an authority to acquire, construct, operate, improve, and finance a zoological park, natatorium, or aquarium, or any combination thereof; to provide for the use of proceeds of any revenue bonds or securities issued by an authority; to exempt the property, income, and securities of any authority from all state and local taxation; and to provide that employees of any authority shall be employed subject to the civil service system and personnel board of any Class I municipality in the same manner as other municipal employees.

H. 60. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

H. 81. To authorize Class 1 municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

Representative Hall, Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

ADJOURNMENT

On motion of Representative Campbell and pursuant to the resolution, H.R. 8, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, September 23, 1992.

JOURNAL OF THE HOUSE, 1992
3rd Day

THIRD DAY

**House of Representatives
Montgomery, Alabama
Wednesday, September 23, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Cortez Cooper, Trinity Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Travis Taylor, 10th Grade, Home School in Millbrook.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the second legislative day was approved.

H. 67 RECOMMITTED

On motion of Representative Holley, the Speaker recommitted the bill, H. 67, from the Calendar to the Standing Committee on Ways and Means.

Yeas 39; Nays 31.

Yea:

Representatives Biddle, Black (L), Bryant, Cagle, Carns, Collins, Crow, Curry, Fuller, Gullatt, Hall, Hamilton, Haney, Hawkins, Hill, Hogan, Holley, Knight, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Payne, Powell, Rich, Rogers (J), Sanderford, Smith (C), Smith (R), Thomas, Turner, Warren, White, Williams and Willis.

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Nay:

Mr. Speaker, Anderson, Beasley, Bowling, Box, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Ford, Freeman, Gaston, Hammett, Harper, Higginbotham, Johnson, Kennedy, Kvalheim, Lindsey, Morrow, Parker (T), Penry, Poole, Richardson, Rockhold, Rogers (F), Starkey, Venable and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

3rd Day

By Senators Mitchell, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 5. MOURNING THE DEATH OF BILLY ATKINS.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama records the death of Billy Atkins in November 1991; and

WHEREAS, a former head football coach at Troy State University (TSU), Billy Atkins served in this capacity from 1966 to 1971, during which tenure school records were set by his teams that are yet to the broken; and

WHEREAS, it was Coach Atkins who coached the first national championship team in the history of Troy State University, and his 1968 team is remembered as one of TSU's finest;

WHEREAS, Coach Atkins, during this period, built Trojan football into a program that was competitive with the best, and the TSU brilliant passing game and wide-open offense set the stage for the records that still stand at Troy State University; and

WHEREAS, more importantly, however, was his representation of TSU with class and dignity, and his commitment to excellence, an attribute he imparted to his players and one which held them in good stead throughout their lives; and

WHEREAS, Coach Billy Atkins, of Troy State University, was indeed a man of sterling character, great warmth and concern for others, and his lamentable death has left an unfathomable void in the life and heart of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Coach Billy Atkins and extend deepest sympathy to all his family, for whom a copy of this resolution shall be provided.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Flowers, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 5, set out in the foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended in order to bring up uncontested local bills on the Calendar.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Ford:

H.R. 60. RECOGNIZING WILLIE J. CARNES OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

The following resolution was introduced:

By Representative Ford:

H.J.R. 61. RECOGNIZING WILLIE J. CARNES OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

WHEREAS, Willie J. Carnes of Attalla, Alabama, has greatly distinguished himself through his impressive record of municipal leadership over the past 28 years; and

WHEREAS, Mr. Carnes, who served as Alderman for the City of Attalla through election in October 1960 and reelection in 1964, was elected Mayor of Attalla in October 1968, and reelected in 1972; after eight years in office, however, he chose not to seek a third consecutive term in 1976; and

WHEREAS, in the 1980 mayoral race, he was returned to office by the Attalla electorate, resigning in December 1981, due to poor health, but was elected mayor for the fourth time to the October 1988-October 1992 term, and has again chosen not to seek reelection; and

WHEREAS, under Mayor Carnes' outstanding leadership, the City of Attalla has indeed made great strides; his contributions and achievements have been invaluable and, as a tribute to his exemplary record of service, is deserving of special public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mayor Willie J. Carnes of Attalla, Alabama, as one of our states' most outstanding public officials,

and direct that he be presented with a copy of this resolution of sincere, warm praise and esteem.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 61, was adopted.

BILLS ON THIRD READING

And the bill:

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hamilton, Hammett, Hill, Hogan, Holley, Knight, Kvalheim, Lindsey, Mathis, McMillan, Mikell, Morton, Newton (C), Parker (P), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, White, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Cullins, Curry, Drake, Fuller, Gaston, Grayson, Gullatt, Hammett, Haynes, Hill, Hogan, Holley, Johnson, Knight, Mathis, McDaniel, McKee, Mikell, Morton, Newton (C), Parker (P), Parker (T), Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey (JE), Butler, Carter, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Hill, Hogan, Holley, Johnson, Knight, Letson, Lindsey, McKee, Mikell, Morton, Newton (C), Parker (P), Parker (T), Petelos, Powell, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Bryant, Burke, Buskey (JE), Butler, Carter, Clark (W), Collins, Crow, Cullins, Curry, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Letson, Lindsey, McDaniel, McKee, Mikell, Morrow, Morton, Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, White, Williams and Willis.

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And the bill:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Box, Bryant, Butler, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hamilton, Haynes, Hill, Hogan, Holley, Johnson, Knight, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Mikell, Morrow, Morton, Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Turnham, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Venable offered the motion to reconsider the vote by which the bill, H. 63, was passed, and the motion to reconsider was adopted.

And the bill, H. 63, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Burke, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, White, Williams and Willis.

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And the bill:

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (M), Box, Bryant, Butler, Carns, Carter, Clark (W), Collins, Cullins, Curry, Drake, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Knight, Kvalheim, Letson, Lindsey, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 91. (With Substitute): Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Baldwin County, commencing at the next term of office in January 1995, the judge of probate shall receive compensation in the form of an annual salary and expense allowance in amount equal to the state salary and county expense allowance paid to the District Judge of Baldwin County as may, from time to time, be amended. The salary and expense allowance provided by this act shall be in lieu of any other prior compensation, fees, allowances, or

income provided by law for the Judge of Probate of Baldwin County, and shall be paid in equal monthly installments out of the general fund of the county treasury.

Section 2. All fees, commissions, allowances, or charges heretofore collected for the use of the judge of probate shall be collected and paid into the county general fund.

Section 3. All laws or parts of laws which conflict with this act are repealed and specifically Act No. 80-577, H. 1065, 1980 Regular Session (Acts 1980, p. 890), is repealed.

Section 4. The provisions of this act shall become effective commencing with the term of office of the Judge of Probate of Baldwin County commencing in January 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Carns, Clark (W), Collins, Crow, Cullins, Curry, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Hawkins, Haynes, Hill, Holladay, Holley, Johnson, Knight, Kvalheim, Letson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Williams, Willis and Zoghby.

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And the bill, H. 91, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Powell, Rich, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R),

Spratt, Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-68

And the bill:

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Butler, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, White, Williams, Willis and Zoghby.

-67

And the bill:

H. 93. Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the county commission to adopt and enforce, regulations for the moving or demolition, at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; to provide a procedure for notice, hearing, and appeal; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

was taken up.

SUBSTITUTE OFFERED

Representative Penry offered the following substitute to the bill, H. 93:

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the county commission to adopt and enforce, regulations for the moving or demolition, with the written permission of the property owner, and at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Baldwin County Commission may, subject to the written permission of the property owner, and at no cost to the property owner, move or demolish any building or structure, in whole or in part, when it is determined to be unsafe and a public nuisance.

Section 2. (a) The Baldwin County Commission and the Baldwin County Health Officer may jointly propose regulations for establishing criteria for those conditions or deficiencies which render a structure or building, in whole or in part, unsafe and a public nuisance.

(b) Proposed regulations regarding buildings and structures which are unsafe and a public nuisance may be submitted at the first county commission meeting of any month and may be considered and voted upon for adoption at a succeeding county commission meeting no sooner than one month after the proposed regulations are submitted.

(c) In order for any proposed regulation to be adopted, the county health officer and a majority of the county commission members shall vote for its adoption. If a proposed regulation is adopted, it shall become effective on the first day of the month following its adoption. If a proposed regulation is rejected, it may not be reconsidered sooner than two months following its rejection. In order to be reconsidered, a proposed regulation shall be resubmitted as provided in subsection (b) of this section.

Section 3. The removal or demolition of any building or structure pursuant to this act may be accomplished by the county by the use of its own forces, including specifically the use of county jail inmates, or Department of Corrections inmates housed in Baldwin County, or it may provide by contract for the removal or demolition. The county may sell or otherwise dispose of salvaged materials resulting from the removal or demolition.

Section 4. Neither the county, nor the county health officer, nor any member

of the county commission shall be liable in any civil or criminal proceeding arising from the good faith decision, with the written permission of the property owner, to demolish or remove any building or structure, in whole or in part, which is determined to be unsafe and a public nuisance pursuant to this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Box, Bryant, Burke, Butler, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-63

And the bill:

H. 93. Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the county commission to adopt and enforce, regulations for the moving or demolition, with the written permission of the property owner, and at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Burke, Butler, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Hall, Hammett, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Willis and Zoghby.

-54

And the bill:

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Bryant, Burke, Butler, Carns, Carothers, Carter, Clark (W), Collins, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-72

And the bill:

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Bryant, Burke, Butler, Carns, Carothers, Carter, Collins, Cullins, Drake, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-63

Nay:

Representative Curry.

- 1

And the bill:

H. 81. To authorize Class 1 municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Bryant, Clark (W), Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Hall, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Letson, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Morrow, Morton, Parker (P), Parker (T),

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3rd Day

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Penry, Perdue, Petelos, Poole, Rich, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Turner, Venable, Walker, Willis and Zoghby.

-48

Nay:

Representative Payne.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 2.

Yea:

Mr. Speaker, Black (M), Box, Bryant, Butler, Carns, Clark (W), Cullins, Curry, Dolbare, Drake, Freeman, Gaston, Grayson, Gullatt, Haynes, Hogan, Holladay, Holley, Knight, Kvalheim, Layson, Letson, Lindsey, McDaniel, McKee, Melton, Morrow, Morton, Parker (P), Parker (T), Payne, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Turnham, Venable, Walker, Williams and Willis.

-44

Nay:

Representatives Hall and Petelos.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Haney intended to vote "Yea" on passage of the bill, H. 2.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Escott-Russell to suspend the rules in order to take up out of order the bill, H. 30, was lost, lacking a four-fifths vote.

Yeas 8; Nays 3.

Yea:

Representatives Biddle, Escott-Russell, Hawkins, Perdue, Rogers (F), Rogers (J), Spratt and Zoghby.

- 8

Nay:

Representatives Curry, Payne and Sanderson.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Ford:

H.R. 62. COMMENDING JANE B. KEENUM FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TOWN OF SOUTHSIDE, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Rogers (J):

H. 112. To amend Section 13A-5-9 of the Code of Alabama 1975, relating to the sentencing of criminal defendants who have been previously convicted of certain felonies and to provide review of certain individuals currently sentenced to life without parole for possible release.

COMMITTEE ON JUDICIARY

By Representative Ford:

H. 113. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by certain state institutions of higher learning.

COMMITTEE ON STATE ADMINISTRATION

By Representatives White, McMillan, Turner, Beasley, Hooper, Sanderson, Layson, Mikell, Hamilton, Venable, Warren, Carter, Letson, Lindsey, Haney, Gaines, Powell, Hill, Curry, Haynes, Rockhold, McKee, Hogan, and Flowers:

H. 114. To amend Sections 40-25-5 and 40-25-23 of the Code of Alabama 1975, to reduce the tobacco tax stamp dealer discount allowance; to specify that interest which may apply to tobacco tax administration shall be in accordance with Section 40-1-44 of the Code of Alabama 1975; to provide the Department of Revenue with certain rulemaking and regulatory authority; to provide that the increase of revenue resulting from reduced discount allowance shall be distributed to the State General Fund.

COMMITTEE ON BUSINESS AND LABOR

By Representative Sanderson:

H. 115. To amend Sections 32-6-4 and 32-6-5 of the Code of Alabama 1975, to provide for an additional fee for issuance of a driver's license; to provide that the increased fee shall be deposited into the Public Safety Law Enforcement Fund; and to provide for an appropriation from the Public Safety Law Enforcement Fund to the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

By Representative McClain:

H. 116. To amend Sections 1, 2, 3, 4, 5, 6, and 7 of Act No. 92-531, H. 340, of the 1992 Regular Session, that established the Alabama School of Fine Arts; altering the method of appointing members of the board of trustees of the school and the term of office of members; providing that the state ethics laws and

nepotism laws will apply to board members and certain school employees; providing for the duties and powers of the board, the executive director, and the State Board of Education; and providing for the compensation of the board.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 117. To establish funding ratios in order to ensure that the historically black state universities, Alabama State University and Alabama Agricultural and Mechanical University, receive funding at a level which will satisfy the court order and enable the parties to settle the litigation in Knight v. State of Alabama.

COMMITTEE ON WAYS AND MEANS

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 63. COMMENDING WILBUR DEFOREST OF ANDALUSIA, ALABAMA, ON HIS OUTSTANDING CAREER WITH THE UNITED STATES POSTAL SERVICE.

BILLS ON THIRD READING RESUMED

And the bill:

H. 70. (With Substitute): To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 11, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Intent.

It is the intent of the Legislature that any revenue accruing to the State General Fund and the Alabama Special Educational Trust Fund in excess of that required to fund pending appropriations at the level allotted by the Department of Finance as of September 30, 1992 for the fiscal year ending September 30, 1992 shall be carried forward to the fiscal year beginning October 1, 1992. It is further the intent of the Legislature that these funds be available to ease fiscal constraints in the fiscal year ending September 30, 1993.

Section 2. Any appropriation from the State General Fund or from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 to any agency, board, commission, department or other entity is hereby reduced to the level allotted to said entity as of September 11, 1992 by the Department of Finance.

Section 3. Any revenue accruing to the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 in excess of the amount required to cover the allotments from those funds as of September 30, 1992 shall remain in the State General Fund and the Alabama Special Educational Trust Fund and shall be carried forward to be available for the fiscal year beginning October 1, 1992.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

H. 70 TEMPORARILY CARRIED OVER

On motion of Representative Venable, the bill, H. 70, and the pending committee substitute were temporarily carried over.

And the bill:

H. 69. (With Amendment): To amend section 40-22-2 Code of Alabama 1975, by increasing the fees collected by the various probate judges in the state for the recording or for the filing (1) of any mortgage, deed of trust, contract of conditional sale or other instrument of like character which is given to secure the payment of any debt which conveys any real or personal property situated within this state; or (2) of any security agreement or financing statement provided for by the Uniform Commercial Code.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

The synopsis is to be amended by adding the following on page 1, line 18: "This bill also provides an alternate procedure for recording instruments securing open and/or revolving indebtedness with a maximum principal amount at any one time outstanding not to exceed \$500,000 secured by property other than residential property. This bill also provides that the privilege or license tax shall not be due or payable with respect to any instrument which extends the maturity date or renews the indebtedness."

The title shall be amended as follows: On page 1, line 32, add the following after the word "Code": "; and also to provide an additional alternate procedure for the recording of instruments securing open end or revolving indebtedness with a maximum principal amount at any one time outstanding not to exceed \$500,000 secured by property other than residential property; and to provide that the privilege or license tax shall not be due or payable with respect to any instrument offered for filing or for record which extends the maturity date or renews the indebtedness except to the extent that the amount of the secured indebtedness is increased."

On page 2, delete line 32 and insert the following: "indebtedness (i) with any interest in residential property irrespective of the maximum principal indebtedness secured thereby or, (ii) where the maximum principal indebtedness secured by the instrument does not exceed \$500,000, with any interest in any other type real or personal property with respect to which the privilege or license tax otherwise would be payable, at the".

On page 3, line 13, insert the following after the word "property": "irrespective of the maximum principal indebtedness secured thereby or, where the maximum principal indebtedness secured thereby does not exceed \$500,000, with any other type real or personal property,".

On page 6, line 24, delete the comma after the word "instrument" and add

the following: "extending or otherwise changing the maturity date or renewing the indebtedness or".

On page 6, lines 30 and 31, after the word "indebtedness" delete the phrase "remains unchanged in amount and in time of maturity." and insert in lieu thereof the following: "is not increased, or if increased, the appropriate additional taxes are paid on the amount of the increase over the amount of secured indebtedness upon which such taxes have been paid or were not required to be paid by law."

On pages 7 and 8, delete all of line 31, page 7, except the paragraph reference "(6)" and delete all of line 32 on page 7, all of lines 1 through 5 and the word "article." on line 6 on page 8.

AMENDMENT TABLED

On motion of Representative Harper, the committee amendment was tabled.

Yeas 61; Nays 2.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Haney, Harper, Haynes, Higginbotham, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Williams, Willis and Zoghby.

-61

Nay:

Representatives Carns and Hawkins.

- 2

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the motion offered by Representative Knight to carry over the bill, H. 69, to the twelfth legislative day was lost.

Yeas 30; Nays 50.

Yea:

Mr. Speaker, Beasley, Blakeney, Burke, Butler, Campbell, Carothers, Carter, Collins, Gullatt, Hammett, Harper, Higginbotham, Hogan, Lindsey, Mathis, Melton, Mikell, Millican, Newton (C), Parker (T), Penry, Rockhold, Starkey, Turner, Turnham, Venable, Warren, White and Zoghby.

-30

Nay:

Representatives Anderson, Biddle, Black (M), Bugg, Buskey (JE), Cagle, Carns, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Haney, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, McKee, McMillan, Morrow, Morton, Parker (P), Payne, Poole, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Walker, Williams and Willis.

-50

H. 69 TEMPORARILY CARRIED OVER

The question was then on the motion offered by Representative Knight to carry over the bill, H. 69, to the twelfth legislative day, and the motion was adopted.

Yeas 44; Nays 33.

Yea:

Representatives Anderson, Biddle, Black (M), Buskey (JE), Cagle, Campbell, Carns, Cosby, Curry, Dolbare, Drake, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Goodwin, Hall, Haney, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, McKee, Morrow, Morton, Payne, Poole, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Williams and Willis.

-44

Nay:

Mr. Speaker, Beasley, Blakeney, Burke, Butler, Carothers, Carter, Collins, Cullins, Ford, Freeman, Gullatt, Hammett, Harper, Higginbotham, Hogan, Kennedy, Lindsey, Mathis, McMillan, Mikell, Millican, Newton (C), Parker (P), Parker (T), Penry, Rockhold, Turner, Turnham, Venable, Warren, White and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 5. MOURNING THE DEATH OF BILLY ATKINS

Also:

S.J.R. 6. COMMENDING HOMEWOOD MAYOR ROBERT G. WALDROP FOR 24 YEARS OF LEADERSHIP.

Also:

S.J.R. 7. MOURNING THE DEATH OF JERRY SHREVE FARROW.

Also:

S.J.R. 8. MOURNING THE DEATH OF JOHN CASIMIR PIERZALA OF HUNTSVILLE, ALABAMA.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the

employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 12, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Corbett (With Notice and Proof):

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Mitchell (With Notice and Proof):

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 15, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- | | |
|--------|--------------------------|
| S. 12. | Local Legislation No. 1. |
| S. 13. | Local Legislation No. 1. |
| S. 15. | Local Legislation No. 1. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 51. To amend Section 15-18-8, Code of Alabama 1975, relating to split sentencing imposed by judges upon certain defendants, to remove certain restrictions on when split sentencing is available.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 51. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Floyd:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 25. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 6. To amend Section 13A-5-9, Code of Alabama 1975, the Alabama Habitual Felony Offender Act, which imposes mandatory increased penalties upon certain criminal defendants who have committed repeated felonies, to allow the judge who imposed the sentence to grant probation if the defendant has served at least 10 years of the sentence and if the defendant is 65 years of age or older.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 6. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 2. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Owens:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to. the inmate's confinement.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 20. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Owens:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 21. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 16. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 16. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 50. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 50. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Floyd:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 26. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written

request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 52. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 46. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 46. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 38. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 38. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Foshee:

S. 4. To make a supplemental appropriation to the Administrative Office of Courts for the 1992-1993 fiscal year.

Also:

By Senator Horn:

S. 43. To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

S. 4. Ways and Means.

S. 43. Ways and Means.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 93. Relating to Baldwin County; to authorize the county commission and the county health officer to jointly propose, and the county commission to adopt and enforce, regulations for the moving or demolition, with the written permission of the property owner, and at no cost to the owner, of buildings or structures determined to be unsafe and a public nuisance; to specify a procedure for the adoption of those regulations; and to provide civil and criminal immunity for the county, the county commission members, and the county health officer for good faith actions taken pursuant to this act.

TOMMY CARTER
Chairman

And the bill, H. 93, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED**H. 71 TEMPORARILY CARRIED OVER**

On motion of Representative Hammett, the bill, H. 71, was temporarily carried over.

MOTION TO RECESS OFFERED

Representative Petelos offered the motion that the House recess for thirty minutes.

SUBSTITUTE MOTION TO RECESS LOST

The substitute motion offered by Representative Warren that the House recess until 1:00 o'clock p.m. was lost.

Yeas 27; Nays 49.

Yea:

Representatives Anderson, Clay, Cosby, Cullins, Curry, Dolbare, Gaines, Hall, Haney, Laird, Layson, Letson, McDaniel, Melton, Morrow, Morton, Newton (C), Petelos, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turner, Walker, Warren and White.

-27

Nay:

Mr. Speaker, Beasley, Box, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Crow, Ford, Fuller, Gaston, Gullatt, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McKee, McMillan, Mikell, Millican, Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Sanderson, Starkey, Venable, Willis and Zoghby.

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MOTION TO RECESS LOST

The question was then on the motion offered by Representative Petelos that the House recess for thirty minutes, and the motion was lost.

Yeas 21; Nays 57.

Yea:

Representatives Anderson, Clay, Cosby, Cullins, Curry, Dolbare, Drake, Gaines, Hall, Haney, Laird, Layson, Letson, Morton, Petelos, Rogers (F), Sanderford, Sanderson, Smith (R), Turner and Williams.

-21

Nay:

Mr. Speaker, Beasley, Box, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Crow, Ford, Fuller, Gaston, Gullatt, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Smith (C), Starkey, Thomas, Venable, Walker, Warren, White, Willis and Zoghby.

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BILLS ON THIRD READING RESUMED**H. 76 TEMPORARILY CARRIED OVER**

On motion of Representative Hammett, the bill, H. 76, was temporarily carried over.

H. 47 TEMPORARILY CARRIED OVER

On motion of Representative Hammett, the bill, H. 47, was temporarily carried over.

And the bill:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 3.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-74

Nay:

Representatives Anderson, Dolbare and Hall.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Butler intended to vote "Yea" on passage of the bill, H. 29.

And the bill:

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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H. 1 TEMPORARILY CARRIED OVER

On motion of Representative Hammett, the bill, H. 1, was temporarily carried over.

And the bill:

H. 12. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

was taken up.

PERMISSION GRANTED

On motion of Representative Clark (J), leave of the House was granted in order to permit the Standing Committee on Ways and Means to meet to consider the bill, H. 109, while the House stands in recess until 1:45 o'clock p.m.

HOUSE RECONVENED

The hour of 1:45 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 12 RESUMED

And the bill, H. 12, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 15.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Butler, Cagle, Carter, Clark (W), Clay, Collins, Crow, Cullins, Flowers, Goodwin, Grayson, Hammett, Higginbotham, Hill, Hogan, Holladay, Knight, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Millican, Morton, Newton (C), Parker (T), Powell, Rogers (F), Sanderford, Smith (C), Thomas, Turner, Turnham, Venable, Walker, Warren and Willis.

-47

Nay:

Representatives Biddle, Carns, Cosby, Ford, Fuller, Gaines, Gaston, Hawkins, Holley, Kvalheim, Petelos, Rich, Rockhold, Sanderson and Smith (R).

-15

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Zoghby intended to vote "Nay" and Representative Letson intended to vote "Yea" on passage of the bill, H. 12.

H. 13 TEMPORARILY CARRIED OVER

On motion of Representative Box, the bill, H. 13, was temporarily carried over.

H. 14 TEMPORARILY CARRIED OVER

On motion of Representative Box, the bill, H. 14, was temporarily carried over.

And the bill:

H. 15. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 19.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Walker and Willis.

-68

Nay:

Representatives Anderson, Biddle, Carns, Ford, Fuller, Gaston, Hawkins, Haynes, Holley, Johnson, Laird, Layson, Morrow, Payne, Poole, Smith (R), Warren, White and Zoghby.

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And the bill:

H. 16. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Hall.

- 1

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Box offered the motion to reconsider the vote by which the bill, H. 16, was passed, and the motion to reconsider was adopted.

And the bill, H. 16, was again read a third time at length and passed, and ordered sent to the Senate without engrossment.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham,

Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 14. To repeal Section 13A-12-250 of the Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within three miles of a school, college, university, or other educational institution.

which was previously temporarily carried over was taken up.

SUBSTITUTE OFFERED

Representatives Kvalheim, Gaston, Gaines and Sanderson offered the following substitute to the bill, H. 14:

A BILL TO BE ENTITLED AN ACT

To amend Section 13A-12-250, Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within a certain distance of a school, college, university, or other educational institution; to further provide for the distance within which the section applies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-12-250, Code of Alabama 1975, is amended to read as follows:

"§13A-12-250.

"In addition to any penalties heretofore or hereafter provided by law for any person convicted of an unlawful sale of a controlled substance, there is hereby imposed a penalty of five years incarceration in a state corrections facility with no provision for probation if the situs of such unlawful sale was on the campus or within a ~~three-mile~~ one thousand feet radius of the campus boundaries of any public or private school, college, university, or other educational institution in this state."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Representative Box to table the substitute offered by Representatives Kvalheim, Gaston, Gaines and Sanderson to the bill, H. 14, was lost.

Yeas 40; Nays 47.

Yea:

Representatives Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Curry, Dolbare, Drake, Escott-Russell, Goodwin, Grayson, Hammett, Harvey, Haynes, Higginbotham, Hogan, Johnson, Kennedy, Letson, Mathis, McClain, McDaniel, McDowell, Newton (C), Parker (T), Penry, Poole, Powell, Richardson, Rogers (J), Turnham and Warren.

-40

Nay:

Representatives Biddle, Butler, Carns, Collins, Cosby, Crow, Cullins, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Hawkins, Hill, Holladay, Holley, Hooper, Knight, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Millican, Morrow, Morton, Payne, Petelos, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Williams, Willis and Zoghby.

-47

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representatives Kvalheim, Gaston, Gaines and Sanderson to the bill, H. 14, and the substitute was adopted.

Yeas 88; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan,

SECOND EXTRAORDINARY SESSION
3rd Day

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Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Haynes, Johnson and Poole.

- 3

And the bill:

H. 14. To amend Section 13A-12-250, Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within a certain distance of a school, college, university, or other educational institution; to further provide for the distance within which the section applies.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 15.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-82

Nay:

Representatives Anderson, Freeman, Fuller, Gaston, Hall, Haynes, Holley, Johnson, Knight, Laird, Melton, Morrow, Poole, Warren and White.

-15

And the bill:

H. 17. To amend Section 15-18-113 of the Code of Alabama 1975, to allow

the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 31.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Goodwin, Grayson, Gullatt, Hamilton, Haney, Harper, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Morrow, Morton, Parker (P), Parker (T), Penry, Petelos, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, Williams and Willis.

-64

Nay:

Representatives Anderson, Biddle, Black (M), Blakeney, Butler, Carns, Collins, Cosby, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Hawkins, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Mikell, Millican, Newton (C), Payne, Poole, Rich, Rockhold, Venable and Zoghby.

-31

And the bill:

H. 18. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 9.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Gaines, Goodwin, Grayson, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay,

Hooper, Johnson, Kennedy, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

-85

Nay:

Representatives Anderson, Fuller, Gaston, Holley, Kvalheim, Morrow, Poole, Rockhold and Zoghby.

- 9

CO-SPONSOR ADDED

Representative Rogers was added as co-sponsor to the bill, H. 18.

And the bill:

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

was taken up.

MOTION TO CARRY OVER TABLED

On motion of Representative Box, the motion offered by Representative Knight to carry over the bill, H. 19, to the twelfth legislative day, was tabled.

Yeas 50; Nays 40.

Yea:

Representatives Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Dolbare, Drake, Escott-Russell, Flowers, Goodwin, Hammett, Harper, Higginbotham, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Laird, Mathis, McClain, McDaniel, McKee, Newton (C), Parker (T), Penry, Petelos, Powell, Richardson, Rogers (J), Sanderson, Spratt, Starkey, Turnham, Venable, Walker, Warren and White.

-50

Nay:

Representatives Anderson, Biddle, Bowling, Buskey (JE), Carns, Collins, Crow, Cullins, Curry, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hamilton, Haney, Hawkins, Hill, Knight, Kvalheim, Layson, Letson, McMillan, Mikell, Millican, Morrow, Morton, Payne, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Williams, Willis and Zoghby.

-40

And the bill, H. 19, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 35.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Fuller, Goodwin, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Powell, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White and Willis.

-62

Nay:

Representatives Anderson, Biddle, Bowling, Carns, Collins, Curry, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hawkins, Hill, Holley, Knight, Kvalheim, Layson, Letson, Millican, Morrow, Morton, Payne, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Williams and Zoghby.

-35

And the bill:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Dixon, Bolling, and Ellis.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Lipscomb, Waggoner, and Amari.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 54. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 55. COMMENDING JOHN FOSTER OF FOLEY, ALABAMA, AS FREE ENTERPRISE PERSON FOR 1992.

Also:

H.J.R. 56. COMMENDING RETIRED CHIEF INVESTIGATOR WILLIAM T. SHERIFF, SR. OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 59. COMMENDING CHARLIE GRANADE OF MOBILE, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 61. RECOGNIZING WILLIE J. CARNES OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 34. MOURNING THE DEATH OF BARRY MAXWELL CLARK, A VALIANT AMERICAN PATRIOT.

Also:

H.J.R. 35. COMMENDING PERRY JAMES OUTLAW FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

Also:

H.J.R. 45. COMMENDING THE HUNTSVILLE DIVISION OF THE U. S. ARMY CORPS OF ENGINEERS.

Also:

H.J.R. 51. INVITING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE REGARDING UNFUNDED FEDERAL MANDATES.

Also:

H.J.R. 52. COMMENDING MR. AND MRS. MELVIN ROY REEDER ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 53. COMMENDING MRS. EUNA FAYE WISE UPON HER NOMINATION FOR THE FIRST JOHN F. KENNEDY PROFILE IN COURAGE AWARD.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 7. COMMENDING VICTOR GUARISCO FOR DISTINGUISHED SERVICE TO THE CITY OF DAPHNE.

Also:

H.J.R. 27. MOURNING THE DEATH OF WILSON A. MITCHELL OF MOBILE, ALABAMA.

Also:

H.J.R. 28. COMMENDING CHRISTINE RAY RICHARD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H.J.R. 29. COMMENDING THE MATH TEAM OF MORGAN ACADEMY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

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Also:

H.J.R. 30. COMMENDING THE MATH TEAM OF MEADOWVIEW CHRISTIAN OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 31. COMMENDING HAROLD FREDERICK BARTON FOR DISTINGUISHED SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1963-1992.

Also:

H.J.R. 32. NAMING "VETERANS MEMORIAL PARKWAY" IN OPP, ALABAMA.

Also:

H.J.R. 33. NAMING "TUKABATCHEE ROAD" IN ELMORE COUNTY AND MACON COUNTY, ALABAMA.

MCDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

And the bill:

H. 1. To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee and the sales price of the property or its fair market value if greater than the sales price.

which was previously temporarily carried over was taken up.

H. 1 INDEFINITELY POSTPONED

On motion of Representative McMillan, the bill, H. 1, was indefinitely postponed.

Yeas 52; Nays 30.

Yea:

Representatives Anderson, Biddle, Black (L), Black (M), Bryant, Bugg, Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Cosby, Cullins, Dolbare,

Drake, Escott-Russell, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Hawkins, Hogan, Holladay, Holley, Holmes, Johnson, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Morton, Newton (C), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Turner, Walker, Warren and White.

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Nay:

Representatives Blakeney, Bowling, Box, Burke, Buskey (JE), Butler, Campbell, Carothers, Collins, Crow, Curry, Flowers, Freeman, Fuller, Hall, Hamilton, Haynes, Hill, Knight, McClain, Millican, Morrow, Parker (P), Parker (T), Smith (R), Starkey, Turnham, Venable, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Joint Resolution and sends same herewith to the House:

By Senator deGraffenried:

S.J.R. 11. RELATIVE TO MEETING DAYS.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 11, the title of which is set out in the foregoing Message from the Senate.

MOTION TO ADJOURN ADOPTED

Representative Venable offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, September 24, 1992, and the motion was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 13. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

which was previously temporarily carried over was taken up.

AMENDMENT OFFERED

Representative Box offered the following amendment to the bill, H. 13:

Amend H. 13 on page 2, Section 1, after line 30 by adding the following:
new subsection (g)

(g) The theft of property which exceeds one hundred dollars (\$100) in value but does not exceed one thousand dollars (\$1,000) in value, and which is not taken from the person of another, where the defendant has previously been convicted of theft of property in the first or second degree, constitutes theft of property in the second degree.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 6.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Fuller, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Knight, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Carns, Gaines, Gaston, Hall, Kvalheim and Morrow.

And the bill, H. 13, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 14.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Burke, Buskey (JE), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Cullins, Dolbare, Flowers, Gaines, Goodwin, Gullatt, Hamilton, Hammett, Haney, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Knight, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (T), Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

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Nay:

Representatives Anderson, Biddle, Butler, Carns, Freeman, Fuller, Gaston, Hall, Hawkins, Holley, Kvalheim, Payne, Rockhold and Zoghby.

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And the bill:

H. 28. (With Amendment): To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 28 on Page 3, by deleting line 1 in its entirety and inserting in lieu thereof the following: "shall be twenty-five dollars (\$25). The"

AMENDMENT TABLED

On motion of Representative Turner, the committee amendment was tabled.

Yeas 79; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 28:

Amend H. 28 on Page 3, by deleting line 1 in its entirety and inserting in lieu thereof the following: "shall be twenty-five dollars (\$25). The "

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 28, as amended:

Amend H. 28 on page 4, Section 5, lines 8-12 by deleting the following:
Section 5 in its entirety and renumbering succeeding sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill, H. 28, as amended, was read a third time at length and passed,
and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Representative Biddle:

H.J.R. 64. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657

WHEREAS, it was the intent of the legislature in passing Act 91-657 to give a "distinctive" license plate to any winner of the Purple Heart Medal, and

WHEREAS, the sponsor of the bill displayed the design of the distinctive tag to the other members of the legislature during debate on said act, and

WHEREAS, the State Revenue Department has not begun production of said distinctive plate, and

WHEREAS, the State Revenue Department has indicated they would like to have a clearer indication of legislative intent on this issue.

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That it was the intent of the legislature in passing Act 91-657 that winners of the Purple Heart Medal be issued a distinctive license plate emphasizing that the bearer of said license plate has indeed won the Purple Heart Medal.

BE IT FURTHER RESOLVED, That the State Finance Department and the Department of Corrections use the design that has previously been transmitted to them by the Alabama Chapter, Military Order of the Purple Heart.

BE IT FURTHER RESOLVED, That since most of the recipients of the Purple Heart Medal are now senior citizens, the State Finance Department and the Department of Corrections commence production and distribution of the distinctive tag as soon as is conceivably possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the State Finance Director and the Director of the Department of Corrections.

On motion of Representative Biddle, the rules were suspended and the resolution, H.J.R. 64, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 73. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular

Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

was taken up.

CO-SPONSOR REMOVED

At the request of Representative McMillan, his name was removed as co-sponsor to the bill, H. 73.

MOTION TO CARRY OVER TABLED

On motion of Representative Rockhold, the motion offered by Representative Penry to carry over the bill, H. 73, to the fourth legislative day was tabled.

Yeas 46; Nays 19.

Yea:

Representatives Anderson, Black (M), Blakeney, Buskey (JE), Butler, Cagle, Carothers, Clark (W), Cosby, Crow, Cullins, Flowers, Freeman, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Laird, Layson, Letson, Mathis, McKee, Millican, Morrow, Parker (P), Poole, Rockhold, Rogers (F), Smith (C), Smith (R), Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Biddle, Box, Collins, Dolbare, Gaines, Gaston, Hawkins, Haynes, Higginbotham, Johnson, Kvalheim, McMillan, Morton, Newton (C), Payne, Penry, Petelos, Richardson and Sanderson.

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H. 73 TEMPORARILY CARRIED OVER

On motion of Representative Rockhold, the bill, H. 73, was temporarily carried over.

H. 75 TEMPORARILY CARRIED OVER

On motion of Representative Rockhold, the bill, H. 75, was temporarily carried over.

H. 80 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 80, was temporarily carried over.

H. 88 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 88, was temporarily carried over.

H. 90 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 90, was temporarily carried over.

H. 97 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 97, was temporarily carried over.

H. 26 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 26, was temporarily carried over.

H. 24 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 24, was temporarily carried over.

H. 27 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 27, was temporarily carried over.

H. 72 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 72, was temporarily carried over.

H. 41 TEMPORARILY CARRIED OVER

On motion of Representative Hogan, the bill, H. 41, was temporarily carried over.

And the bill:

H. 54. (With Substitute): To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, H. 588, 1992 Regular Session, relating to the recordkeeping requirements and corresponding liability for the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-17-1, Code of Alabama 1975, is amended to read as follows:

"§40-17-1.

"As used in this article, the term "motor fuel" shall include diesel oil fuel, tractor fuel, gas oil, distillate, kerosene, jet fuel, or any substitutes or devices therefor when sold, distributed, stored, or withdrawn from storage in this state for

use in the operation of any motor vehicle upon the highways of this state."

Section 2. Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, is amended to read as follows:

"§40-17-11.

In the administration of this article the department of revenue shall permit the sale or use of motor fuels ~~as herein defined~~ without liability on the part of the distributor or storer for the tax herein levied except:

(1) Where the distributor or storer delivers ~~such~~ motor fuel into the fuel supply tank of a motor vehicle for the propulsion thereof on the public highways of this state;_

(2) Where the distributor or storer delivers motor fuel into dispensing equipment of a retail dealer designed and used to supply motor fuel into the fuel supply tank of a motor vehicle for the propulsion thereof on the public highways for this state;_

(3) Where the distributor or storer sells or distributes motor fuel, knowing or having good reason to know that the ~~same~~ motor fuel is to be used for propelling motor vehicles on the public highways of this state.

It is the intent of this article that the ~~said~~ tax shall be imposed only where motor fuels, ~~as herein defined~~, are used in the operation of motor vehicles on highways of this state; provided, that Notwithstanding the foregoing, any person purchasing or acquiring motor fuel from a licensed distributor for the operation of a motor vehicle upon the highways of this state without advising ~~such~~ the distributor of his or her intention to use ~~same~~ the motor fuel for ~~such~~ that purpose or if ~~he shall obtain~~ obtaining motor fuel from any source and ~~use same~~ using it for ~~such~~ that purpose, ~~such person~~ shall also be defined as a distributor and shall be liable for the excise tax levied by section 40-17-2, plus a 100 percent penalty; ~~and, in~~ In addition, the person shall be guilty of a misdemeanor and shall be ~~punishable~~ punished by a fine of not less than \$50.00 nor more than \$1,000.00; ~~and provided further, that there~~ There shall be no tax liability when sales of motor fuels ~~as herein defined~~ are made to a user, distributor, or storer who has obtained a license from the commissioner of revenue, as provided in section 40-17-14, ~~to make such purchases less the said tax and assume~~ assumes full liability therefor for the tax.

(4) In connection with the delivery of ~~such motor~~ diesel fuel for purposes other than those described in paragraphs (1), (2), and (3) above, or otherwise exempt from the imposition of the tax levied pursuant to this Article, if the distributor or storer has maintained adequate records as required by law to document the sale or storage of ~~motor~~ diesel fuel with respect to sales of ~~motor~~ diesel fuel made

tax exempt versus tax paid, the distributor or storer shall be relieved from the responsibility of any obligation to pay tax under ~~the provisions of this Article~~ and the burden shall be on the end user and not the distributor or storer to establish by satisfactory evidence the purpose for which the purchaser used the ~~motor diesel~~ fuel purchased if there shall be filed with the distributor or storer by the person purchasing or acquiring ~~motor diesel~~ fuel from a licensed ~~the distributor or storer~~ a ~~certificate in substantially the following form: the exemption certificate required to be kept for federal excise tax purposes for diesel fuel sold tax exempt for off road purposes.~~

Exemption Certificate For
Purchase of Motor Fuel For Off Road Use

The undersigned, _____,

(name)

(address)

hereby certifies that the gallons of motor fuel purchased by the undersigned on this date from _____

(name of distributor)

will be used for purposes other than the propulsion of motor vehicles on the public highways of the State of Alabama. The undersigned is aware and acknowledges that any motor fuel tax ultimately determined to be applicable in connection with the use of the motor fuel so purchased for the propulsion of motor vehicles on public highways of the State will be the responsibility of the undersigned and not the above named distributor.

(signature)

(date)

The distributor or storer shall furnish a copy of the said certificate to the purchaser and ~~must shall~~ retain the original thereof for examination by the Department of Revenue for a period of not less than three years. Each purchaser of ~~motor diesel~~ fuel for off road use shall maintain such of those records required for federal excise tax purposes for diesel fuel purchased for off road use as are described in the last sentence of this section in order to establish the use of ~~each the fuel in motor vehicles operated other than on the public highways of the state, which records shall include copies of the certificates (with receipts attached) hereinabove provided for, odometer readings for said vehicles respecting on road use and receipts respecting the purchase of motor fuel for use in said vehicles on the public highways of the state.~~ Such records shall be kept and made available for examination by the Department of Revenue for a period of not less than 3 three years. ~~No records in addition to those described above shall be required~~ The Department of Revenue may require purchasers of diesel fuel for off road use to maintain only the following of the records required for federal excise tax purposes to be kept by purchasers of motor fuel on a federal tax exempt basis in order to establish the off road use of motor fuel purchased on a state tax exempt basis: (1) receipts for all purchases of diesel fuel (showing payment, if any, of tax with respect thereto), (2) diesel fuel tank capacities for all vehicles used by the purchaser off the public roads of this state and (3) mileage records of the on-road

use of all such vehicles that are equipped with odometers."

Section 3. It shall be unlawful for any person to sell for use or to use motor fuel in the operation of a motor vehicle over the highways of this state, upon which the tax levied by chapter 17 of Title 40, Code of Alabama 1975, has not been paid or the payment thereof assumed by a distributor, ~~or~~ storer, or user licensed by the Department of Revenue. Any person who willfully fails to comply with the provisions of said chapter shall for each failure to be subject to a penalty imposed by the Department of Revenue of not less than one hundred dollars (\$100) nor more than ten thousand dollars (\$10,000).

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 54 TEMPORARILY CARRIED OVER

On motion of Representative Parker (T), the bill, H. 54, and the pending committee substitute were temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 7. COMMENDING VICTOR GUARISCO FOR DISTINGUISHED SERVICE TO THE CITY OF DAPHNE.

Also:

H.J.R. 27. MOURNING THE DEATH OF WILSON A. MITCHELL OF MOBILE, ALABAMA.

Also:

H.J.R. 28. COMMENDING CHRISTINE RAY RICHARD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H.J.R. 29. COMMENDING THE MATH TEAM OF MORGAN ACADEMY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 30. COMMENDING THE MATH TEAM OF MEADOWVIEW CHRISTIAN OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 31. COMMENDING HAROLD FREDERICK BARTON FOR DISTINGUISHED SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1963-1992.

Also:

H.J.R. 32. NAMING "VETERANS MEMORIAL PARKWAY" IN OPP, ALABAMA.

Also:

H.J.R. 33. NAMING "TUKABATCHEE ROAD" IN ELMORE COUNTY AND MACON COUNTY, ALABAMA.

Also:

H.J.R. 34. MOURNING THE DEATH OF BARRY MAXWELL CLARK, A VALIANT AMERICAN PATRIOT.

Also:

H.J.R. 35. COMMENDING PERRY JAMES OUTLAW FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

Also:

H.J.R. 45. COMMENDING THE HUNTSVILLE DIVISION OF THE U. S. ARMY CORPS OF ENGINEERS.

Also:

H.J.R. 51. INVITING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE REGARDING UNFUNDED FEDERAL MANDATES.

Also:

H.J.R. 52. COMMENDING MR. AND MRS. MELVIN ROY REEDER ON THEIR 50TH WEDDING ANNIVERSARY.

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Also:

H.J.R. 53. COMMENDING MRS. EUNA FAYE WISE UPON HER NOMINATION FOR THE FIRST JOHN F. KENNEDY PROFILE IN COURAGE AWARD.

Also:

H.J.R. 54. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 55. COMMENDING JOHN FOSTER OF FOLEY, ALABAMA, AS FREE ENTERPRISE PERSON FOR 1992.

Also:

H.J.R. 56. COMMENDING RETIRED CHIEF INVESTIGATOR WILLIAM T. SHERIFF, SR. OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 59. COMMENDING CHARLIE GRANADE OF MOBILE, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 61. RECOGNIZING WILLIE J. CARNES OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

Also:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

H. 56 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 56, was temporarily carried over.

H. 78 TEMPORARILY CARRIED OVER

On motion of Representative Butler, the bill, H. 78, was temporarily carried over.

H. 50 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 50, was temporarily carried over.

H. 51 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 51, was temporarily carried over.

H. 87 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 87, was temporarily carried over.

And the bill:

H. 68. (With Substitute) (With Amendment): To authorize Alabama Public School and College Authority to sell and issue thirty-five million dollars (\$35,000,000.00) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education and

including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefore; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Alabama Public School and College Authority to sell and issue \$40,900,000 plus underwriting discount and costs of issuance, aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of certain litigation settlement expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds from proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the

bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meaning respectively, unless the context clearly indicates otherwise:

"1965 Act" means Act No. 243 enacted at the 1965 First Special Session of the Legislature, codified as Title 16, Chapter 16, Code of Alabama 1975.

"1971 Acts" means Act No. 94 enacted at the 1971 First Special Session of the Legislature, Act No. 2428 enacted at the 1971 Regular Session of the Legislature, and Act No. 56 enacted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1277 enacted at the 1973 Regular Session of the Legislature, as amended by Act No. 73 enacted at the 1975 Third Special Session of the Legislature and Act No. 1223 enacted at the 1975 Regular Session of the Legislature.

"1978 Act" means Act No. 138 enacted at the 1978 Second Special Session of the Legislature, as amended by Act No. 79-41 enacted at the 1979 Organizational Session of the Legislature and Act No. 81-827 enacted at the 1981 Regular Session of the Legislature.

"1985 Act" means Act No. 85-943 enacted at the 1985 Second Special Session of the Legislature.

"1990 Act" means Act No. 90-280 enacted at the 1990 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority.

"Bonds" (except where that word is used with reference to bonds issued

under another act) means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, physical education facilities, research facilities, related campus improvements and land as sites therefor, together with fixed equipment therefor and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections therefor. For the purposes of this Act, the term "capital improvements" does not include textbooks, office supplies, or school supplies used by the educational institutions referred to in Section 2 of this Act, or any of their personnel or students.

"Certain litigation settlement expenses" means, inter alia, court costs and attorneys fees and expenses of attorneys for all plaintiffs other than the United States of America required to be paid by Alabama State University and Alabama A&M University and other state defendants under the consent settlement referred to in Section 9 of this Act.

"Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"Legislature" means the Legislature of Alabama.

"Permitted investments" means (i) government securities; (ii) bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks, or Farmers Home Administration or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof; (iii) bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a

requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in clauses (i), (ii), (iii), or (v) above, which at all times have a market value (exclusive of accrued interest) not less than the amount of such bank time deposits required to be so secured and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), or (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. For the purposes of paying the costs of capital improvements for Alabama State University and Alabama A & M University, costs of issuance, and certain litigation settlement expenses, the Authority is hereby authorized and empowered, in accordance with the priorities specified in this Act, to issue and sell from time to time its bonds, which bonds may be in the form of interest-bearing bonds or non-interest bearing bonds. Other than refunding bonds, the aggregate principal amount of bonds issued under this Act shall not exceed forty million nine hundred thousand dollars (\$40,900,000); provided, however, that, if the Authority determines that the total net amount of bond proceeds available to provide funds for paying the costs of capital improvements for Alabama State University and Alabama A&M University, after the payment of underwriting discount and other issuance expenses, will be less than forty million nine hundred thousand dollars (\$40,900,000), the aggregate principal amount of bonds issued under this Act may be increased by the Authority to such amount as will permit the Authority to receive such net bond proceeds thereon, after the payment of underwriting discount and other issuance expenses, totaling forty million nine hundred thousand dollars (\$40,900,000). The determination of the estimated issuance

expenses and underwriting discount necessary to calculate the additional principal amount of bonds, if any, to be issued under this section shall be made by the Authority. The bonds authorized in this Act by be issued by the Authority shall be in addition to all other bonds previously authorized to be issued by it, and the powers conferred on the Authority by this Act are in addition to all other powers heretofore conferred on the Authority by acts heretofore enacted by the Legislature.

Section 3. Execution and Other Details of the Bonds. The bonds shall be signed by the president or vice-president of the Authority, and the seal of the corporation shall be affixed thereto (or a facsimile thereof imprinted thereon) and attested by its secretary. All signatures of the president, vice-president, and secretary may be facsimile signatures if the Authority, in its proceedings with respect to issuance, provides for manual authentication (which may be in the form of a certificate as to registration) of the bonds by a trustee, registrar or paying agent or by named individuals who are employees of the State and who are assigned to the Department of Finance or State Treasurer's Office. All bonds bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, any officer whose signature appears thereon shall have ceased to be an officer of the Authority. The bonds and the income therefrom shall be exempt from all taxation in the State, may be used as security for deposits, and shall be eligible for the investment of fiduciary funds, as provided in the 1965 Act. The bonds shall be construed to have all the qualities and incidents of negotiable instruments subject to any registration provisions pertaining to transfers. The Authority and the bonds shall be exempt from all laws of the State governing usury including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the Authority under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. For the purpose of paying the principal of, premium, if any, and interest on the bonds or any refunding bonds, the Authority shall designate such bank or banks within or without the State as it, in its discretion, determines to be appropriate and desirable. Funds for the payment of debt service shall be transferred by the Authority or the State Treasurer on behalf of the Authority to the designated paying agent bank or banks on the actual due date of such principal, premium, if any, or interest.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the Authority with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. The Authority, in the course of establishing, by resolution, a principal amount of bonds to be authorized for sale at any given time, or to be sold in any series, may take into account the existence of any unexpended proceeds of prior issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may structure the portions of the allocations provided for in Section 8 of this Act to be distributed from the proceeds of a particular series constituting less than all the bonds authorized by this Act as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may be required of it, or that may be deemed by it to be prudent to be given by it, in connection with sale of any series of the bonds. Bonds shall be sold by competitive bid and shall be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest effective borrowing cost to the Authority on the series of the bonds being sold; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale or, in the event no bid acceptable to the Authority is received at any such sale and the bonds so offered are thereafter reoffered on the same terms and conditions, not less than five days prior to the date fixed for sale. The Authority may fix the terms and conditions under which the sale of any series of the bonds may be held; provided, that the terms and conditions shall not conflict with any requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any bonds may be issued shall be requisite to their validity. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of, premium, if any, and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to those purposes, and hereby appropriated, the amount that may be necessary for those purposes from the following sources:

(a) The residue of the receipts from the excise tax ("the utility gross receipts tax") levied by Title 40, Chapter 21, Article 3, Code of Alabama 1975, as amended ("Article 3"), remaining after payment of the expenses of administration and enforcement of Article 3, being that portion of the tax that is required by Article 3 to be deposited in the State Treasury to the credit of the Alabama Special

Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein;

(b) The residue of the receipts from the excise tax ("the utility service use") levied by Title 40, Chapter 21, Article 4, Code of Alabama 1975 ("Article 4"), remaining after payment of the expenses of administration and enforcement of Article 4, being that portion of the tax that is required by Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein;

(c) The residue of the receipts from the license tax ("the leasing or renting tangible personal property tax") levied by Title 40, Chapter 12, Article 4, Code of Alabama 1975 ("Chapter 12, Article 4"), remaining after payment of the expenses of administration and enforcement of Chapter 12, Article 4, being that portion of the tax that is required by Chapter 12, Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and interest on the bonds, the residue of the receipts from the excise tax ("the sales tax") levied by Title 40, Chapter 23, Article 1, Division 1, Code of Alabama 1975, as amended ("Article 1"), remaining after there shall have been taken from the residue the amounts appropriated for other purposes in Section 40-23-35, Code of Alabama 1975 (which residue constitutes that portion of the receipts from the sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue amounts sufficient to meet all prior charges on the residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to

pay at their respective maturities the principal of, premium, if any, and the interest on the bonds, the residue of the receipts from the excise tax ("the use tax") levied by Title 40, Chapter 23, Article 2, Code of Alabama 1975, as amended ("Article 2"), remaining after there shall have been taken from the residue the amount appropriated by the Legislature to meet the expenses of the State Department of Revenue (which residue constitutes that portion of the receipts from the use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue such amounts as may be necessary to meet all prior charges on the use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in subsection (d) of this Section.

All monies hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of, premium, if any, and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of, premium, if any, and interest on the bonds out of this fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he or she is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely out of the Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. The bonds shall not be general obligations of the Authority but shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State. As security for the payment of the principal of, premium, if any, and interest on the bonds, the Authority is hereby authorized and empowered to pledge the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for such purposes. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing the pledges. All such pledges shall be prior and superior to any pledges that may be made for any refunding bonds hereafter issued by the Authority under the provisions of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or any other act heretofore enacted.

Section 7. Refunding Bonds. For the purpose of refunding any bonds or refunding bonds of the Authority issued under the provisions of this Act, the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or any other act previously enacted, or any combination thereof, whether the refunding shall occur before, at or after the maturity of the bonds refunded and for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the refunding bonds, fiscal agents' fees, and accountants' fees), the Authority is hereby authorized to sell and issue its refunding bonds. Such refunding bonds may be sold and issued from time to time, at either public or private sale, and on such other terms and conditions as

the Authority shall determine to be advantageous and shall adopt and provide in its proceedings for the sale and issuance of such refunding bonds. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of, premium, if any, and interest on the refunding bonds issued under this Act, the Authority is hereby authorized to pledge irrevocably for such purpose, and there is hereby appropriated for such purpose, such amount as may be necessary of the residues of the receipts from the taxes pledged and appropriated in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, any reserves or sinking funds established by the Authority, as well as revenues of the Authority from any other sources specified in the proceedings wherein the refunding bonds are authorized to be issued. Pending the application of the proceeds of refunding bonds issued in accordance with this section, the proceeds, together with investment earnings therefrom, and amounts in any sinking fund, together with investment earnings thereon, may be held by the State Treasurer as treasurer of the Authority in trust, or may be deposited by the State Treasurer in trust, on such terms as the State Treasurer and the Authority shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company authorized to exercise trust powers in Alabama, for investment in permitted investments. Proceeds of refunding bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the bonds being refunded shall be paid in full on the respective maturity, redemption, or interest payment dates. Refunding bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely from the sources specified in this Act and in the proceedings where the refunding bonds are authorized to be issued. All refunding bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create debts of the State of Alabama. The faith and credit of the State of Alabama shall never be pledged for the payment of any refunding bonds issued by the Authority under this Act. The Authority may contract with respect to the safekeeping and application of the refunding bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the State. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act and (b) the provisions of Section 8 of this Act. All pledges made by this Act or by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act, and all such pledges for the benefit of refunding bonds which may be issued to refund any bonds issued under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or this Act, shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds whether issued under this Act or under any other act. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be defeased if the Authority, in its proceedings regarding issuance of the refunding bonds provides for and establishes a trust or escrow fund comprised of monies or government securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that

such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 5 of this Act, shall no longer be obligations of the Authority and shall be secured solely by and payable from monies and government securities deposited in such trust or escrow fund. No refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. The average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in the fund and, until they are paid out, shall be invested by the State Treasurer at the direction of the Authority in permitted investments which mature at such time or times as the Authority shall direct. Monies in the fund (whether original proceeds from the sale of the bonds or proceeds of matured permitted investments or any interest earned on such proceeds) shall be paid out from time to time on orders or warrants issued by or on the direction of the Authority for the purposes specified in Section 2 of this Act, and such monies shall be allocated and expended by the Authority, subject to all the provisions of this Act, for capital improvements for Alabama State University and Alabama A&M University to satisfy the federal court judgment entered on December 30, 1991, in *Knight v. State of Alabama* (CV-83-M-1676-S) in the amounts set out as follows:

(a) Sixteen million dollars (\$16,000,000) to the Board of Trustees of Alabama A&M University for capital improvements;

(b) Twenty-four million and nine hundred thousand dollars (\$24,900,000) to the Board of Trustees of Alabama State University for capital improvements, inter alia, and certain litigation settlement expenses.

Notwithstanding any of the foregoing and in addition to all powers heretofore granted to the Authority, the Authority is hereby expressly authorized to use the proceeds or income derived from the sale of bonds in accordance with the provisions of Section 2 of this Act. Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the technical staff of the State Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisor services shall be construed to constitute construction costs. The Authority may compensate the technical staff of the State Building Commission, from the proceeds of the bonds, for its services in connection with its approval of plans and specifications pertaining to any capital improvements that are to be paid for, in whole or in part, from proceeds of the bonds. The cost of such compensation shall be prorated among the recipients of any of the bond proceeds or any interest thereof in the same manner as the expenses of issuance are prorated in this section.

Section 9. Settlement of Knight v. State of Alabama. Notwithstanding any other provision of this Act, the bonds authorized hereunder may not be issued or sold, nor may proceeds be distributed therefrom, unless and until each of the following conditions is met:

(a) A consent settlement of the appeal in Knight v. State of Alabama, CV-83-M-1676-S, United District Court for the Northern District of Alabama, is reached by all of the following:

The private plaintiffs, John F. Knight, Jr., and Alease S. Sims, et al., on behalf of themselves and the class of all Black Citizens of Alabama, the Board of Trustees for Alabama A&M University, the Board of Trustees for Alabama State University, the State of Alabama, the Alabama Commission on Higher Education, (ACHE), the Alabama Public School and College Authority, (APSCA), and all members of ACHE and APSCA in their official capacities; and

(b) The court having jurisdiction over Knight v. State of Alabama approves the settlement required by subparagraph (a) of this Section 9; and

(c) All appeals and cross-appeal in Knight v. State of Alabama are dismissed with prejudice.

Section 10. Maintain Federal Tax Exempt Status. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

Section 11. Severability. In the event any section, sentence, clause or

provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 12. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Turnham offered the motion to indefinitely postpone the bill, H. 68, and the pending committee substitute and committee amendment.

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the substitute motion offered by Representative Turnham to carry over the bill, H. 68, and the pending committee substitute and committee amendment to the twelfth legislative day, was lost.

Yeas 46; Nays 47.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Freeman, Grayson, Hall, Harper, Haynes, Hogan, Holley, Holmes, Johnson, Kennedy, Letson, Lindsey, Mathis, McClain, McDowell, Millican, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Warren, White, Williams and Zoghby.

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Nay:

Representatives Beasley, Biddle, Burke, Butler, Carns, Carothers, Carter, Cosby, Cullins, Curry, Drake, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Turner, Turnham, Venable and Willis.

-47

SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Holley, the substitute motion offered by Representative Turnham to carry over the bill, H. 68, and the pending committee substitute and committee amendment, to the twelfth legislative day, was tabled.

Yeas 51; Nays 42.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Harvey, Haynes, Hogan, Holley, Holmes, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Spratt, Starkey, Thomas, Warren, White, Williams and Zoghby.

-51

Nay:

Representatives Beasley, Biddle, Burke, Carns, Carothers, Carter, Cosby, Cullins, Curry, Drake, Gaines, Gaston, Hamilton, Haney, Higginbotham, Hill, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Morton, Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable and Willis.

-42

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Representative Turnham to indefinitely postpone the bill, H. 68, and the pending committee substitute and committee amendment, and the motion was lost.

Yeas 43; Nays 50.

Yea:

Representatives Beasley, Biddle, Butler, Carns, Carothers, Carter, Cosby, Cullins, Curry, Drake, Gaines, Gaston, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Turner, Turnham and Venable.

-43

Nay:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Grayson, Hall, Harper, Harvey, Haynes, Hogan, Holley, Holmes, Johnson, Kennedy, Letson, Lindsey, Mathis, McClain, McDowell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Perdue, Poole, Rogers (F), Rogers (J), Starkey, Thomas, Warren, White, Williams and Zoghby.

-50

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, and the committee substitute was adopted.

Yeas 66; Nays 18.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson, Kennedy, Kvalheim, Letson, Lindsey, McClain, McDowell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Penry, Perdue, Petelos, Poole, Rogers (F), Rogers (J), Spratt, Starkey, Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-66

Nay:

Representatives Biddle, Carns, Gaines, Hamilton, Hawkins, Hill, Hooper, Knight, Laird, McDaniel, McKee, McMillan, Payne, Powell, Rich, Sanderford, Sanderson and Turnham.

-18

AMENDMENT OFFERED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 68 on Page 20, line 29, after the word "prejudice." by adding the following:

(d) ASU and A&M agree to assume all liability for any and all attorneys' fees claimed by attorneys representing the private plaintiffs in that case, and that those attorneys and the parties they represent agree that their fees shall be paid solely by ASU and A&M.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 17.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Haynes, Hogan, Holladay, Holley, Johnson, Kennedy, Letson, Lindsey, McClain, McDaniel, McDowell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-67

Nay:

Representatives Biddle, Carns, Gaines, Hawkins, Higginbotham, Hill, Hooper, Knight, Kvalheim, McKee, McMillan, Payne, Rich, Richardson, Sanderford, Turner and Turnham.

-17

AMENDMENT OFFERED

Representative Holley offered the following amendment to the bill, H. 68, as amended:

Amend House Bill 68 as substituted on page 20 by deleting lines 12-27 in their entirety.

Further amend on page 20, line 11 by deleting the words "each of".

Further amend on page 20, line 28 by deleting "(c) all" and inserting in lieu thereof the word "all".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-96

MOTION TO ADJOURN LOST

The motion offered by Representative Sanderson that the House adjourn until 10:00 o'clock a.m., Thursday, September 24, 1992, was lost.

Yeas 26; Nays 59.

Yea:

Representatives Carns, Carothers, Cosby, Cullins, Drake, Gaines, Gaston, Hamilton, Haney, Higginbotham, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Payne, Petelos, Rich, Richardson, Sanderford, Sanderson, Turner, Turnham and Venable.

-26

Nay:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carter, Clark (W), Clay, Collins, Crow, Escott-Russell, Freeman, Fuller, Grayson, Hall, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Letson, Lindsey, Mathis, McClain, McDowell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Poole, Rockhold, Rogers (J), Spratt, Starkey, Thomas, Warren, White, Williams, Willis and Zoghby.

-59

H. 68 RESUMED

And the bill:

H. 68. To authorize the Alabama Public School and College Authority to sell and issue \$40,900,000 plus underwriting discount and costs of issuance, aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of certain litigation settlement expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds from proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 48; Nays 47.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Clay, Collins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Grayson, Hall, Harper, Harvey, Haynes, Hogan, Holley, Holmes, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Perdue, Poole, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Warren, White, Williams and Zoghby.

Nay:

Representatives Beasley, Biddle, Burke, Butler, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Drake, Gaines, Gaston, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Turner, Turnham, Venable and Willis.

-47

And the bill:

H. 87. (With Amendment): To establish funding ratios in order to ensure that the historically African-American state universities, Alabama State University and Alabama Agricultural and Mechanical University, receive funding at a level which will satisfy the court order and enable the parties to settle the litigation in Knight v. State of Alabama.

which was previously temporarily carried over was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 87 on Page 1, line 18 and line 27, on page 2, line 3 and on page 4, line 12, by deleting the words "African-American", and inserting in lieu thereof the word "Black".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 23.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Drake, Escott-Russell, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Letson, Lindsey, Mathis, McDowell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-57

Nay:

Representatives Biddle, Carns, Gaines, Gaston, Hamilton, Haney, Hawkins, Hill, Hooper, Knight, Kvalheim, McDaniel, McKee, McMillan, Morton, Payne, Petelos, Poole, Rich, Rockhold, Sanderford, Sanderson and Turner.

-23

AMENDMENT OFFERED

Representative Harper offered the following amendment #1 to the bill, H. 87, as amended:

Amend H. 87 on Page 3, Line 25 as follows, after the word programs insert the following: "as developed in cooperation with the Alabama Commission on Higher Education."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 80; Nays 11.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-80

Nay:

Representatives Carns, Grayson, Hamilton, Hawkins, Holley, Johnson, Laird, McKee, Poole, Richardson and Smith (R).

-11

AMENDMENT OFFERED

Representative Harper offered the following amendment #2 to the bill, H. 87, as amended:

Amend House Bill 87 on page 4 by deleting lines 6-22 in their entirety.

Further amend on page 4 after line 5 by adding the following:

"unless and until".

Further amend on page 4, line 23 by deleting "(c) All" and inserting in lieu thereof the word "All".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-92

Nay:

Representative Carns.

- 1

And the bill, H. 87, as amended, was read a third time at length and lost.

Yeas 42; Nays 49.

Yea:

Mr. Speaker, Anderson, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W), Clay, Collins, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Grayson, Harper, Haynes, Hogan, Holmes, Johnson, Kennedy, Letson, Lindsey, Mathis, McClain, McDowell, Millican, Newton (D), Parker (P), Perdue, Rogers (J), Spratt, Starkey, Thomas, Warren, White and Zoghby.

-42

Nay:

Representatives Beasley, Biddle, Cagle, Carns, Carothers, Carter, Cosby, Crow, Curry, Drake, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Williams and Willis.

-49

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Representative Turnham offered the motion to reconsider the vote by which the bill, H. 87, was lost, and on motion of Representative Turnham, the motion by him to reconsider the bill, H. 87, was tabled.

Yeas 45; Nays 44.

Yea:

Representatives Beasley, Biddle, Carns, Carothers, Carter, Crow, Curry, Drake, Flowers, Gaines, Gaston, Gullatt, Hall, Haney, Hawkins, Higginbotham, Hill, Holladay, Holley, Hooper, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable and Willis.

-45

Nay:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Clark (W), Clay, Collins, Dolbare, Escott-Russell, Freeman, Fuller, Grayson, Harper, Haynes, Hogan, Holmes, Johnson, Kennedy, Letson, Lindsey, Mathis, McClain, McDowell, Millican,

Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Spratt, Starkey, Thomas, Warren, White and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Cosby intended to vote "Yea" on the motion offered by Representative Turnham to table the motion offered by him to reconsider the vote by which the bill, H. 87, was lost.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 68. To authorize the Alabama Public School and College Authority to sell and issue \$40,900,000 plus underwriting discount and costs of issuance, aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of certain litigation settlement expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds from proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and provide that

if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

TOMMY CARTER
Chairman

And the bill, H. 68, as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Representative McDowell that the House adjourn until 10:00 o'clock a.m., Thursday, September 24, 1992, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 76. To amend section 22-3OB-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-3OB-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-3OB-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-3OB-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-3OB-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-3OB-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust fund and to provide for the administration of the fund and the distribution of money in said fund.

which was previously temporarily carried over was taken up.

SUBSTITUTE OFFERED

Representative Turner offered the following substitute to the bill, H. 76:

To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing base fees of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal sites for all waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities; provide funding for the Alabama Hazardous Substance Cleanup Fund; provides for certain information on waste managed at commercial hazardous waste treatment, storage and disposal facilities; and provides a fee to the Alabama Department of Environmental Management to determine the toxicity of waste and compliance with volume limitations.

SUBSTITUTE TABLED

On motion of Representative Harper, the substitute offered by Representative Turner to the bill, H. 76, was tabled.

Yeas 68; Nays 25.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Grayson, Harper, Hawkins, Hill, Hogan, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Spratt, Starkey, Thomas, Walker, Warren, Williams, Willis and Zoghby.

Nay:

Representatives Anderson, Blakeney, Bugg, Cosby, Crow, Cullins, Drake, Fuller, Hamilton, Haney, Haynes, Holladay, Holley, Johnson, Layson, Mikell, Petelos, Poole, Rich, Sanderford, Smith (C), Smith (R), Turner, Venable and White.

-25

MOTION TO ADJOURN LOST

The motion offered by Representative Newton (D) that the House adjourn until 10:00 o'clock a.m., Thursday, September 24, 1992, was lost.

Yeas 14; Nays 69.

Yea:

Representatives Bryant, Carns, Clay, Crow, Escott-Russell, Kennedy, McClain, Newton (D), Perdue, Rich, Rogers (J), Spratt, Thomas and Willis.

-14

Nay:

Mr. Speaker, Anderson, Beasley, Black (M), Box, Burke, Butler, Cagle, Campbell, Carothers, Carter, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turner, Venable, Walker, Warren and Williams.

-69

MOTION IN WRITING ADOPTED

Representative Freeman offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 31; Nays 22.

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3rd Day

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Yea:

Representatives Box, Burke, Butler, Campbell, Carns, Carothers, Carter, Cosby, Cullins, Dolbare, Drake, Freeman, Gaston, Haney, Hawkins, Holladay, Hooper, Kvalheim, Laird, Layson, Letson, Mikell, Parker (P), Parker (T), Powell, Richardson, Rogers (F), Starkey, Turner, Walker and Warren.

-31

Nay:

Representatives Anderson, Black (L), Bryant, Buskey (JE), Cagle, Clark (W), Clay, Curry, Escott-Russell, Higginbotham, Holley, Kennedy, McMillan, Newton (D), Petelos, Poole, Rich, Rockhold, Smith (C), Smith (R), Thomas and Venable.

-22

And the bill, H. 76, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 13.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Venable, Walker, Warren, White, Williams and Willis.

-84

Nay:

Representatives Anderson, Dolbare, Escott-Russell, Fuller, Hall, Higginbotham, Holley, Kennedy, Layson, McDowell, Rich, Smith (C) and Thomas.

-13

H. 73 AGAIN TAKEN UP

And the bill, H. 73, which was previously temporarily carried over was again taken up.

SUBSTITUTE OFFERED

Representative Penry offered the following substitute to the bill, H. 73:

To provide for certain fishing licenses; to amend Section 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session so as to make certain clarifications in language and further provide for fees; to provide for a resident 7-day trip saltwater fishing license; to provide for a resident 7-day trip freshwater fishing license; to amend Section 9-11-55 Code of Alabama 1975, so as to provide for nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for the sale of a combination saltwater-freshwater nonresident annual license; to amend Section 9-11-56, Code of Alabama 1975, so as to provide for a 7-day trip nonresident freshwater fishing license; to provide for a nonresident 7-day trip saltwater fishing license; and to provide for the expiration date for the license provided for in Section 5 hereof.

MOTION TO TABLE LOST

The motion offered by Representative Rockhold to table the substitute offered by Representative Penry to the bill, H. 73, was lost.

Yeas 34; Nays 37.

Yea:

Representatives Anderson, Black (L), Blakeney, Bryant, Buskey (JE), Buskey (JL), Cagle, Clark (W), Cullins, Dolbare, Escott-Russell, Freeman, Goodwin, Gullatt, Hall, Hammett, Hogan, Holley, Holmes, Hooper, Kennedy, Laird, Letson, McDowell, Millican, Morrow, Parker (P), Parker (T), Rockhold, Rogers (F), Spratt, Venable, Walker and Warren.

-34

Nay:

Representatives Biddle, Black (M), Box, Burke, Carns, Carter, Collins, Cosby, Crow, Curry, Gaines, Gaston, Haney, Harper, Hawkins, Haynes, Higginbotham, Holladay, Johnson, Knight, Kvalheim, Lindsey, McClain, McMillan, Mikell, Morton, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Powell, Richardson, Smith (R), Turner and Willis.

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SUBSTITUTE TABLED

On motion of Representative Dolbare, the substitute offered by Representative Penry to the bill, H. 73, was tabled.

Yeas 40; Nays 38.

Yea:

Representatives Anderson, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Clark (W), Collins, Cullins, Dolbare, Drake, Escott-Russell, Freeman, Goodwin, Grayson, Gullatt, Hall, Hogan, Holley, Holmes, Hooper, Kennedy, Laird, Layson, Letson, McClain, McDowell, Millican, Morrow, Newton (D), Parker (T), Perdue, Rockhold, Rogers (F), Smith (C), Spratt and Warren.

-40

Nay:

Representatives Beasley, Biddle, Black (M), Butler, Carns, Carothers, Carter, Cosby, Crow, Curry, Gaines, Gaston, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Holladay, Johnson, Lindsey, Mathis, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderson, Smith (R), Venable and Willis.

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MOTION TO ADJOURN LOST

The motion offered by Representative Richardson that the House adjourn until 10:00 o'clock a.m., Thursday, September 24, 1992, was lost.

Yeas 37; Nays 44.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Carns, Carothers, Collins, Crow, Curry, Flowers, Goodwin, Hamilton, Haney, Harvey, Holladay, Laird, Mathis, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (J), Sanderford, Sanderson, Smith (R), Starkey, Turnham, Walker and Willis.

-37

Nay:

Mr. Speaker, Anderson, Blakeney, Bugg, Burke, Buskey (JE), Cagle, Carter, Clay, Cullins, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Harper, Hawkins, Hill, Hogan, Holley, Hooper, Kennedy, Knight, Kvalheim, Letson, Lindsey, McDaniel, Millican, Morrow, Newton (D), Parker (P), Parker (T), Rockhold, Rogers (F), Smith (C), Spratt, Turner, Venable, Warren and Zoghby.

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H. 73 TEMPORARILY CARRIED OVER

On motion of Representative Rockhold, the bill, H. 73, was temporarily carried over.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 109. (With Substitute): To raise revenue and to that end to repeal Sections 27-4-4, 27-4-5, and 27-4-6 and to enact "The Insurance Premium Tax Reform Act of 1992," which will provide a phase in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies.

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Representative Drake offered the motion to reconsider the vote by which the motion offered by Representative Knight to carry over the bill, H. 69, to the twelfth legislative day was adopted, and the motion to reconsider was lost.

Yeas 39; Nays 43.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bryant, Burke, Butler, Cagle, Carothers, Carter, Clay, Collins, Crow, Drake, Grayson, Gullatt, Haney, Harper, Harvey, Haynes, Higginbotham, Hogan, Lindsey, Mathis, McDaniel, Mikell, Millican, Newton (C), Parker (T), Petelos, Rich, Richardson, Smith (R), Starkey, Turner, Turnham, Venable, Warren and Zoghby.

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Nay:

Representatives Anderson, Biddle, Bugg, Buskey (JL), Carns, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Goodwin, Hall, Hawkins, Hill, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, McClain, McDowell, McKee, McMillan, Morrow, Morton, Newton (D), Payne, Penry, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 14. To amend Section 13A-12-250, Code of Alabama 1975, which provides an additional penalty for the sale of a controlled substance within a certain distance of a school, college, university, or other educational institution; to further provide for the distance within which the section applies.

TOMMY CARTER
Chairman

And the bill, H. 14, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES OFFERED

Representative Hooper offered the motion to suspend the rules in order to take up out of order the bill, H. 33.

ADJOURNMENT

On motion of Representative Harper, the House adjourned until 10:00 o'clock a.m., Thursday, September 24, 1992.

Yeas 44; Nays 43.

Yea:

Representatives Anderson, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Clark (W), Clay, Cosby, Crow, Curry, Dolbare, Freeman, Grayson, Hamilton, Harper, Harvey, Haynes, Holladay, Holmes, Johnson, Layson, Lindsey, McClain, McDowell, Mikell, Morton, Newton (C), Newton (D), Petelos, Poole, Rich, Richardson, Rogers (J), Spratt, Starkey, Thomas, Turner, Williams and Willis.

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Nay:

Mr. Speaker, Beasley, Biddle, Blakeney, Carns, Carter, Collins, Escott-Russell, Flowers, Gaines, Gaston, Gullatt, Hall, Haney, Hawkins, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Letson, McDaniel, McKee, McMillan, Millican, Morrow, Parker (T), Payne, Penry, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, Warren and Zoghby.

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FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, September 24, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative James Cullins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Knox Thorn, 8th Grade, Prattville Jr. High School.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the third legislative day was approved.

NOTICE IN WRITING

Representative McMillan filed the following Notice in Writing:

Notice is hereby given that having voted on the prevailing side by which House Bill 1 was indefinitely postponed, I will move to reconsider said vote.

NOTICE IN WRITING

Representative Holley filed the following Notice in Writing:

Notice is hereby given that having voted on the prevailing side by which House Bill 67 was recommitted, I will move to reconsider said vote.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 95. To amend Section 16-25-11.5, Code of Alabama 1975, to reopen the Teachers' Retirement System until a certain date for certain support personnel to purchase certain credit in the system.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment,

and it was read a second time and placed on the Calendar, to-wit:

S. 46. (With Amendment): To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 114. To amend Sections 40-25-5 and 40-25-23 of the Code of Alabama 1975, to reduce the tobacco tax stamp dealer discount allowance; to specify that interest which may apply to tobacco tax administration shall be in accordance with Section 40-1-44 of the Code of Alabama 1975; to provide the Department of Revenue with certain rulemaking and regulatory authority; to provide that the increase of revenue resulting from reduced discount allowance shall be distributed to the State General Fund.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills

4th Day

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as contained in the 1991 Cumulative Supplement to certain volumes of the Code and in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code; and to make corrections in certain volumes of the cumulative supplement and the 1991 Replacement Volume 18.

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 2. (With Amendments): To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

S. 6. To amend Section 13A-5-9, Code of Alabama 1975, the Alabama Habitual Felony Offender Act, which imposes mandatory increased penalties upon certain criminal defendants who have committed repeated felonies, to allow the judge who imposed the sentence to grant probation if the defendant has served at least 10 years of the sentence and if the defendant is 65 years of age or older.

S. 16. To amend Section 13A-12-270 of the Code of Alabama 1975, relating to increased penalties for unlawful sale of any controlled substance around a housing project.

Representative Higginbotham, Chairperson of the Standing Committee on

Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 20. (With Substitute): To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 21. (With Amendment): To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 50. To amend Section 15-18-113 of the Code of Alabama 1975, to allow the Department of Corrections to place inmates convicted of selling a controlled substance on the SIR Minimum Security Risk Program.

H. 94. To amend Section 32-5-240, Code of Alabama 1975, to require the use of lighting equipment on motor vehicles when windshield wipers are in use as a result of rain, sleet, or snow.

H. 101. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they

were severally read a second time and placed on the Calendar, to-wit:

H. 107. To require that a tax stamp be placed on each bail bond issued; to provide for the collection and distribution of net proceeds to the Department of Corrections for certain alternate sentencing programs and the implementation of the act; and to impose criminal penalties upon violations of this act which are cumulative to any other penalty.

H. 117. To establish funding ratios in order to ensure that the historically black state universities, Alabama State University and Alabama Agricultural and Mechanical University, receive funding at a level which will satisfy the court order and enable the parties to settle the litigation in Knight v. State of Alabama.

MOTION TO RECOMMIT LOST

The motion offered by Representative Freeman that the Speaker recommit the bill, H. 114, from the Calendar to the Standing Committee on Business and Labor was lost.

Yeas 24; Nays 35.

Yea:

Representatives Bryant, Buskey (JL), Cosby, Escott-Russell, Flowers, Freeman, Grayson, Hall, Harper, Hawkins, Hill, Holley, Kennedy, Knight, McClain, McDaniel, Morrow, Newton (D), Parker (P), Penry, Petelos, Rogers (J), Starkey and Williams.

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Nay:

Mr. Speaker, Beasley, Blakeney, Carter, Clay, Collins, Crow, Cullins, Curry, Fuller, Gaines, Gaston, Gullatt, Harvey, Higginbotham, Hogan, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Rich, Richardson, Sanderson, Spratt, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kennedy, Buskey (JE) and Zoghby:

H.R. 65. MOURNING THE DEATH OF MATTIE AUGUSTA WILLIAMS MITCHELL OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Kennedy, Buskey (JE) and Zoghby:

H.J.R. 66. MOURNING THE DEATH OF MATTIE AUGUSTA WILLIAMS MITCHELL OF MOBILE, ALABAMA.

WHEREAS, it is with a deep sense of sorrow and loss that the Alabama Legislature records the lamentable death of Mattie Augusta Williams Mitchell of Mobile, Alabama, on September 22, 1992, at the age of 96 years; and

WHEREAS, born to Silas James Williams and Sarah James Williams, she became the adopted daughter of Andrew Boykin and, at an early age, accepted Christ as her Savior and united with the Metropolitan A.M.E. Zion Church; and

WHEREAS, Sister Mitchell was the oldest member, by age, of Hope Chapel A.M.E. Zion Church and was a member for 75 years of the Good Samaritan Society #2 prior to its dispersion; and

WHEREAS, a noble lady whose life stood as a testament to her deep and abiding faith, she will be sorely missed by her beloved family and by all those whose lives she touched in genuine love and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Mattie Augusta Williams Mitchell and extend our deepest and most heartfelt sympathy to her children, Silas Mitchell, Sr., Nina James and Laura Ann Mitchell; to her four loving grandchildren, one devoted, Larry James Williams, six great grandchildren, one great great grandchild; and to other family members for whom a copy of this resolution shall be provided.

On motion of Representative Kennedy, the rules were suspended and the resolution, H.J.R. 66, was adopted.

Also:

By Representative Williams:

H.J.R. 67. COMMENDING EARL K. HOWARD FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Captain Earl K. Howard has faithfully served the people of Alabama as an Alabama State Trooper for more than 35 years; and

WHEREAS, throughout his career he has distinguished himself by his

steadfast dedication to Public Safety's mission of serving and protecting all citizens; and

WHEREAS, Captain Howard began his career in law enforcement as a trooper assigned to patrol duty in Tuscaloosa in 1957, and was subsequently transferred to Opelika highway patrol duty in 1959; and

WHEREAS, he was promoted to corporal in 1965 and transferred to Eufaula in the Highway Patrol Division; and

WHEREAS, he was promoted to Sergeant in 1969 and remained in Eufaula, serving as the post commander; and

WHEREAS, Sergeant Howard was promoted to lieutenant in 1970 and transferred to the Driver License Division in Tuscaloosa; and

WHEREAS, he returned to Eufaula as a lieutenant in the Highway Patrol Division in 1971; and

WHEREAS, he was promoted to captain in 1985 in the Highway Patrol Division and has served as the commander of the Dothan District since that time; and

WHEREAS, his devotion to duty, personal integrity and ability to relate to others in all walks of life have fostered a spirit of friendship, respect and trust among the citizens of this state and members of the Alabama Department of Public Safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Captain Earl K. Howard for outstanding service to the State of Alabama and on the distinction of his career as an Alabama State Trooper from 1957 to 1992.

BE IT FURTHER RESOLVED, That Captain Howard be presented with a copy of this resolution which is executed in sincere praise and with best wishes for every future happiness in retirement.

On motion of Representative Williams, the rules were suspended and the resolution, H.J.R. 67, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Williams:

H.R. 68. COMMENDING EARL K. HOWARD FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and having previously filed a Notice in Writing, Representative Holley offered the motion to reconsider the vote by which the motion offered by him on the third legislative day to recommit the bill, H. 67, from the Calendar to the Standing Committee on Ways and Means was adopted, and the motion to reconsider was adopted.

Yeas 63; Nays 19.

Yea:

Representatives Beasley, Biddle, Black (L), Blakeney, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Grayson, Gullatt, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Layson, McClain, McDowell, McKee, Mikell, Millican, Newton (C), Newton (D), Parker (P), Perdue, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Mr. Speaker, Anderson, Bryant, Butler, Curry, Freeman, Gaines, Gaston, Hall, Hamilton, Kvalheim, McMillan, Morrow, Morton, Penry, Petelos, Sanderson, Starkey and Zoghby.

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MOTION TO WITHDRAW FROM COMMITTEE ADOPTED

On motion of Representative Holley, the bill, H. 67, was withdrawn from the Standing Committee on Ways and Means in accordance with Section 391(1) of Mason's Manual of Legislative Procedure.

Yeas 63; Nays 11.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Box, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow,

Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Gaston, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, McKee, Mikell, Millican, Newton (C), Newton (D), Parker (P), Perdue, Poole, Richardson, Rogers (J), Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representatives Anderson, Bryant, Butler, Freeman, Gaines, Hall, McMillan, Morrow, Petelos, Sanderson and Starkey.

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MOTION TO RECOMMIT TABLED

The question was then on the motion offered by Representative Holley to recommit the bill, H. 67, from the Calendar to the Standing Committee on Ways and Means, and on motion of Representative Holley, his motion to recommit was tabled.

Yeas 70; Nays 14.

Yea:

Mr. Speaker, Barnes, Beasley, Box, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, Millican, Newton (C), Newton (D), Parker (P), Perdue, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Bryant, Butler, Curry, Freeman, Gaines, Hall, McMillan, Mikell, Morrow, Morton, Penry, Petelos and Sanderson.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole and Windom:

S.J.R. 10. MOURNING THE DEATH OF STEPHENS GAILLARD CROOM OF MOBILE, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Zoghby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 10, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bennett and Horn:

S.J.R. 12. COMMENDING JEWELL THOMAS ON EIGHT YEARS OF LEADERSHIP AS MAYOR OF THE CITY OF BRIGHTON.

Also:

By Senators Sanders and Lindsey:

S.J.R. 13. MOURNING THE DEATH OF ESTELL EZELL, JR., OF LISMAN, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Holmes, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 12, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Newton (D), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and having previously filed a Notice in Writing, Representative McMillan offered the motion to reconsider the vote by which the motion offered by him on the third legislative day to indefinitely postpone the bill, H. 1, was adopted, and the motion to reconsider was adopted.

Yeas 43; Nays 22.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Burke, Butler, Carothers, Carter, Crow, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Haynes, Hill, Hogan, Knight, Kvalheim, Lindsey, McClain, McDaniel, McKee, McMillan, Mikell, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable and Zoghby.

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Nay:

Representatives Anderson, Bryant, Buskey (JE), Buskey (JL), Dolbare, Escott-Russell, Flowers, Grayson, Hall, Hawkins, Holmes, Kennedy, Laird, Layson, McDowell, Morrow, Perdue, Poole, Rogers (F), Thomas, Turnham and White.

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And the bill:

H. 1. To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee and the sales price of the property or its fair market value if greater than the sales price.

was again taken up.

AMENDMENT OFFERED

Representative McMillan offered the following amendment #1 to the bill, H. 1:

Amend H. 1 on page 1, Synopsis lines 17-20 by striking after the word require the following: that deeds also and inserting in lieu thereof, the following: forms to be filed with the county tax assessor which

Also, on page 2, line 1, after the word "grantee", Insert a period and delete the remaining language in the title.

Also, on page 2, line 19, delete the words "or grantor"

Also, on page 3, line 5, delete the words "or grantor"

Also, on page 3, line 12, delete the words "or Grantor"

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Blakeney, Burke, Butler, Cagle, Carothers, Carter, Collins, Crow, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Haynes, Hill, Hogan, Holley, Holmes, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Willis and Zoghby.

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AMENDMENT OFFERED

Representative McMillan offered the following amendment #2 to the bill, H. 1, as amended:

Amend H. 1 on page 2, Section 1, line 17 by adding after the word statement the following: to be filed with the tax assessor

Also, on page 3, line 23, after the words "Notary Public", insert a new Section 2 to read as follows:

Section 2. The foregoing information shall be used exclusively for the benefit of the tax assessor's office and the probate office and shall not be made available to other persons under any circumstances.

Renumber succeeding sections accordingly.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Willis and Zoghby.

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AMENDMENT OFFERED

Representative McMillan offered the following amendment #3 to the bill, H. 1, as amended:

Amend H. 1 on page 3, Section 1, lines 5 & 6 by striking after the word grantor the following: under the penalty of perjury

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 69; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Blakeney, Burke, Butler, Carothers, Carter, Collins, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, White, Willis and Zoghby.

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Nay:

Representative Bryant.

- 1

MOTION TO RECESS ADOPTED

Representative Warren offered the motion that the House recess from 12:00 o'clock Noon until 1:00 o'clock p.m., and the motion was adopted.

H. 1 RESUMED

AMENDMENT OFFERED

Representative Buskey (JE) offered the following amendment to the bill, H. 1, as amended:

Amend H. 1 on page 2, Section 1, line 20 by striking the following: under the penalty of perjury

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Bryant, Buskey (JL), Cagle, Campbell, Carothers, Clay, Cosby, Crow, Cullins, Curry, Escott-Russell,

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Flowers, Freeman, Gaines, Gaston, Grayson, Hall, Haney, Hawkins, Hill, Hogan, Holley, Hooper, Knight, Kvalheim, Layson, Letson, McClain, McDowell, McKee, McMillan, Morrow, Morton, Newton (C), Parker (T), Payne, Poole, Powell, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, White and Willis.

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Nay:

Representative Thomas.

- 1

MOTION TO TABLE LOST

The motion offered by Representative Freeman to table the motion offered by Representative Buskey (JE) to carry over the bill H. 1, as amended, to the fifth legislative day was lost.

Yeas 35; Nays 39.

Yea:

Mr. Speaker, Beasley, Cagle, Carothers, Collins, Curry, Flowers, Freeman, Fuller, Gaines, Hammett, Haney, Harvey, Hill, Holley, Hooper, Knight, McDaniel, McMillan, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Sanderford, Sanderson, Starkey, Turner, Turnham, Venable and White.

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Nay:

Representatives Anderson, Barnes, Biddle, Box, Bryant, Buskey (JE), Buskey (JL), Clay, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Gaston, Grayson, Hall, Hawkins, Haynes, Hogan, Holmes, Kennedy, Kvalheim, Laird, Layson, Letson, McClain, McDowell, McKee, Morrow, Payne, Poole, Rogers (F), Rogers (J), Smith (C), Spratt, Thomas, Warren, Williams and Willis.

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RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 1 CARRIED OVER

On motion of Representative Buskey (JE), the bill, H. 1, as amended, was carried over to the fifth legislative day.

Yeas 33; Nays 31.

Yea:

Representatives Anderson, Barnes, Buskey (JE), Buskey (JL), Clay, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Gullatt, Hogan, Holmes, Hooper, Kennedy, Laird, Letson, McClain, McDaniel, McDowell, McKee, Newton (D), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, White and Willis.

-33

Nay:

Mr. Speaker, Beasley, Bowling, Box, Butler, Carothers, Carter, Collins, Curry, Freeman, Fuller, Gaston, Hall, Hammett, Hawkins, Higginbotham, Knight, Kvalheim, Mathis, McMillan, Morrow, Morton, Newton (C), Parker (P), Parker (T), Powell, Rich, Sanderford, Smith (R), Venable and Zoghby.

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LEAVE OF ABSENCE

At the request of Representative Buskey (JE), leave of absence was granted for Representative Clark (W).

RESOLUTIONS

The following resolution was introduced:

By Representatives Black (L), Bryant, Kennedy and Blakeney:

H.J.R. 69. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the tragic and untimely death of Estell Ezell of the Lisman community in Choctaw County, Alabama, on September 19, 1992; and

WHEREAS, Mr. Ezell, who earned his B.S. degree and A.A. certification from Alabama A&M University, and a Master's degree from Tuskegee University, was serving as Director of Tom Orr Area Vocational School at the time of his lamentable death; and

WHEREAS, an active, faithful member of Shiloh Christian Methodist Episcopal Church, Mr. Ezell served as a steward and as a member of the joint board of finance in the general church; he also was a member of the Shriners, Knights Templar, Eastern Star, Heroines of Jericho and Cyrene Crusade, as well as a Master Mason, Royal Arch Mason, Thirty-Second Degree Mason and Thirty-Third Degree Mason; and

WHEREAS, the sudden passing of Estell Ezell is indeed a severe blow to the community, to his beloved family, neighbors and many, many friends, who are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Estell Ezell of Lisman, Alabama, and express our deepest sympathy to each member of his family, whose sorrow we sincerely share, and for whom a copy of this resolution shall be provided.

On motion of Representative Black (L), the rules were suspended and the resolution, H.J.R. 69, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Black (L), Bryant and Kennedy:

H.R. 70. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

BILLS ON THIRD READING

The House then proceeded to consider the bills on the Calendar.

And the bill:

H. 70. (With Substitute): To provide that all appropriations from the State

General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 11, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

and the pending committee substitute which were carried over on the third legislative day were again taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means on the third legislative day, and the committee substitute was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 66. MOURNING THE DEATH OF MATTIE AUGUSTA WILLIAMS MITCHELL OF MOBILE, ALABAMA.

Also:

H.J.R. 67. COMMENDING EARL K. HOWARD FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 22. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedsole and Ellis:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for

the powers of the creating authority and the levy of an emergency telephone service charge.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 18. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bailey, Denton, and Barron:

S. 57. To make a supplemental appropriation from the State General Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 57. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators deGraffenried, Foshee, Dial, Horn, Corbett, Owens, Denton, Dixon, Waggoner, Smith (J), Lindsey, and Little:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 34. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of

estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 53. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 54. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 80. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Dial:

S. 82. To amend Section 32-6-150 of the Code of Alabama 1975, as amended by Section 2 of Act No. 92-622 of the 1992 Regular Session, relating to the issuance of Atomic Veterans NUKED Commemorative tags, Armed Forces Reserve tags, and environmental tags to provide further for the period of the veteran tags and the cost of those tags.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 82. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Floyd:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 66. Judiciary.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 66. MOURNING THE DEATH OF MATTIE AUGUSTA WILLIAMS MITCHELL OF MOBILE, ALABAMA.

Also:

H.J.R. 67. COMMENDING EARL K. HOWARD FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 10. MOURNING THE DEATH OF STEPHENS GAILLARD CROOM OF MOBILE, ALABAMA.

Also:

S.J.R. 12. COMMENDING JEWELL THOMAS ON EIGHT YEARS OF LEADERSHIP AS MAYOR OF THE CITY OF BRIGHTON.

Also:

S.J.R. 13. MOURNING THE DEATH OF ESTELL EZELL, JR., OF LISMAN, ALABAMA.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

H. 70 RESUMED

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 70, as amended:

To amend the substitute to H. 70 on page 1 on lines 18 and 32 by adding after "1992." the following:

"This bill also provides for the distribution of the revenue carried forward into fiscal year 1993."

Further amend the bill on page 2 by adding a new "Section 4" and renumbering the following sections accordingly as follows:

"Section 4. Funds carried forward into fiscal year 1993 as a result of the provisions of this act shall be expended only for public school purposes and used solely by the city and county boards of education."

SUBSTITUTE AMENDMENT OFFERED

Representative Venable offered the following substitute amendment to the amendment offered by Representative Dolbare to the bill, H. 70, as amended:

Amend House Bill 70 as substituted on page 1, lines 9 and 10 and on page 1, line 25 and on page 2, lines 4 and 5 by deleting the words: "and the Alabama Special Educational Trust Fund".

Further amend on page 2, line 13 by deleting the words: "or from the Alabama Special Educational Trust Fund".

Further amend on page 2, line 19 and on page 2, lines 22 and 23 by deleting the words: "and the Alabama Special Educational Trust Fund".

Further amend on page 2 after line 25 by inserting a new Section 4 and renumbering all subsequent sections accordingly:

"Section 4. Any revenue accruing to the Alabama Special Educational Trust Fund as the result of increased revenue and/or reversions or decreased allotments shall be used to reduce proration in the fiscal year ending September 30, 1992."

Further amend on page 1, after lines 18 and 32 by adding the following language:

"This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year."

Further amend on page 2, after line 11 by adding the following language:

"It is the intent of the Legislature that all revenue and/or reversions and/or

decrease in allotments accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year."

MOTION TO TABLE LOST

The motion offered by Representative Dolbare to table the substitute amendment offered by Representative Venable to the amendment offered by Representative Dolbare to the bill, H. 70, as amended, was lost.

Yeas 26; Nays 54.

Yea:

Representatives Bryant, Butler, Cagle, Carter, Crow, Curry, Dolbare, Freeman, Gaines, Hall, Hamilton, Harvey, Hogan, Holley, Laird, Lindsey, McKee, Mikell, Morrow, Parker (P), Petelos, Sanderson, Smith (C), Turner, Walker and Willis.

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Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Box, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Cosby, Cullins, Escott-Russell, Flowers, Gaston, Grayson, Gullatt, Haney, Hawkins, Higginbotham, Hill, Holladay, Hooper, Kennedy, Knight, Kvalheim, Layson, Letson, McClain, McDaniel, McDowell, McMillan, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Poole, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Turnham, Venable, Warren, White, Williams and Zoghby.

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SUBSTITUTE AMENDMENT ADOPTED

The question was then on the adoption of the substitute amendment offered by Representative Venable to the amendment offered by Representative Dolbare to the bill, H. 70, as amended, and the substitute amendment was adopted.

Yeas 75; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson,

Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-75

Nay:

Representatives Freeman, Hall, Holley, Millican, Morrow and Parker (P).

- 6

And the bill:

H. 70. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992. This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Hall and Holley.

- 2

RESOLUTIONS

The following resolutions were introduced:

By Representatives McMillan, Penry, Turner, Gaston, Kvalheim, Zoghby, Rockhold, Kennedy, Buskey (JE), Clark (W) and Harper:

H.J.R. 71. EXPRESSING APPRECIATION TO MR. HOWARD BRONSON, JR., AND THE MOBILE REGISTER.

WHEREAS, the members of the Alabama Legislature, while in session, are often required to be in Montgomery from three to five days each week; and

WHEREAS, the legislators from South Alabama have found it difficult to be informed regarding events which occur in South Alabama while the Legislature is in session; and

WHEREAS, The Mobile Register is currently being delivered on a timely basis to all members of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully express appreciation to Mr. Howard Bronson, Jr., Publisher, President and CEO of The Mobile Register, for his thoughtfulness and generosity in having the newspapers delivered daily to legislators while in session in Montgomery, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere gratitude be forwarded to Mr. Howard Bronson, Jr.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 71, was adopted.

Also:

By Representative McMillan:

H.J.R. 72. DESIGNATING THE STOCKTON HORSESHOE TOURNAMENT AS THE OFFICIAL CHAMPIONSHIP HORSESHOE TOURNAMENT FOR THE STATE OF ALABAMA.

WHEREAS, each fall in Stockton, Alabama, there is held a horseshoe tournament; and

WHEREAS, the pitching courts used by the contestants in this tournament comply with the official specifications and requirements of the National Horseshoe Pitchers Association of America; and

WHEREAS, the stakes and horseshoes meet the official standards of the National Horseshoe Pitchers Association; and

WHEREAS, the rules, conduct of players, and scoring of this tournament comply with the requirements of the National Horseshoe Pitchers Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the annual fall horseshoe tournament in Stockton, Alabama, is hereby designated as the official championship horseshoe tournament for the State of Alabama.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 72, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kennedy, Zoghby, Gaston, McMillan, Turner, Box, Penry, Harper and Buskey (JE):

H.R. 73. MOURNING THE DEATH OF STEPHENS GAILLARD CROOM OF MOBILE, ALABAMA.

BILLS ON THIRD READING RESUMED

H. 71 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 71, was temporarily carried over.

H. 73 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 73, was temporarily carried over.

H. 75 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 75, was temporarily carried over.

And the bill:

H. 80. (With Amendment): To make an appropriation to the Alabama Historical Commission for capital outlay for the fiscal year ending September 30, 1993.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 80 on Page 1, lines 9, 17 and 24 by adding after the word "outlay" the following: "to complete the renovation of the State Capitol".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 14.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Burke, Buskey (JL), Butler, Cagle, Carothers, Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Haney, Harper, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Payne, Perdue, Petelos, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Bryant, Clay, Dolbare, Escott-Russell, Grayson, Hall, Holley, Kennedy, McClain, McDowell, Morrow, Newton (D), Poole and Spratt.

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And the bill:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 60; Nays 16.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Box, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Gullatt, Haney, Harper, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

-60

Nay:

Representatives Bryant, Buskey (JE), Dolbare, Escott-Russell, Grayson, Hall, Holley, Kennedy, McClain, McDowell, Newton (D), Perdue, Poole, Rogers (J), Spratt and Thomas.

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And the bill:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Clay, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Gaines, Gaston, Gullatt, Hall, Haney, Harper, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, Mikell, Millican, Morrow, Newton (C), Newton (D), Payne, Petelos, Poole, Rich, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Representative Walker that the House adjourn until 2:00 o'clock p.m., Tuesday, September 29, 1992, was lost.

Yeas 9; Nays 68.

Yea:

Representatives Cullins, Dolbare, Hall, Laird, Layson, McKee, Parker (P), Walker and Williams.

- 9

Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Butler, Cagle, Carns, Carter, Collins, Cosby, Curry, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McClain, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, Warren, White and Zoghby.

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BILLS ON THIRD READING RESUMED

And the bill:

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

was read a third time at length and lost, lacking a two-thirds vote.

Yeas 48; Nays 37.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Box, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carter, Cosby, Curry, Escott-Russell, Fuller, Gaines, Gaston, Grayson, Harper, Harvey, Hawkins, Hogan, Hooper, Kennedy, Knight, Kvalheim, McClain, McDowell, McMillan, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Richardson, Rogers (F), Rogers (J), Sanderson, Spratt, Starkey, Venable, White and Zoghby.

-48

Nay:

Representatives Blakeney, Bryant, Cagle, Clay, Collins, Crow, Cullins, Dolbare, Flowers, Freeman, Gullatt, Hall, Haney, Haynes, Higginbotham, Hill, Holley, Laird, Layson, McDaniel, McKee, Mikell, Millican, Morrow, Newton (C), Parker (T), Poole, Powell, Rich, Sanderford, Smith (C), Smith (R), Turner, Walker, Warren, Williams and Willis.

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And the bill:

H. 97. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-75

And the bill:

H. 26. (With Amendments): To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 26 on Page 1, line 11 and on line 17, by striking the period (.) and adding "and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993."

Further amend on page 1, line 25, by adding a new Section 2 as follows, and renumbering subsequent sections:

"Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the State General Fund to the Alabama Homebound Program the sum of Five Hundred Thousand dollars (\$500,000) for the fiscal year ending September 30, 1993. Said appropriation shall be used for needed supplies, prescription drugs, and attendant care."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-81

And the bill:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MOTION TO RECOMMIT TABLED

On motion of Representative Sanderford, the motion offered by Representative Hall to recommit the bill, H. 109, from the Calendar to the Standing Committee on Ways and Means was tabled.

Yeas 26; Nays 23.

Yea:

Mr. Speaker, Box, Burke, Buskey (JE), Campbell, Carns, Carter, Clay, Collins, Gaines, Haney, Harper, Hawkins, Hogan, Kennedy, Millican, Morrow, Parker (T), Payne, Penry, Powell, Sanderford, Smith (R), Spratt, Starkey and Zoghby.

-26

Nay:

Representatives Anderson, Barnes, Biddle, Bryant, Cagle, Cosby, Flowers, Fuller, Hall, Harvey, Haynes, Holmes, Johnson, Laird, Layson, Lindsey, Mikell, Parker (P), Poole, Turnham, Warren, White and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

H. 24 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 24, was temporarily carried over.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Turner offered the motion to reconsider the vote by which the bill, H. 26, was passed, and the motion to reconsider was adopted.

And the bill, H. 26, as amended, was again taken up.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

To amend the bill on page 1, lines 10 and 17, by deleting the figures "646,000", and inserting in lieu thereof the figure "851,150". Further amend the bill on page 1 by deleting lines 22 and 23 and inserting in lieu thereof the following: "The Forensic Science Services Program the sum of Eight Hundred fifty one thousand, one hundred and fifty dollars (\$851,150) for the fiscal year ending".

AMENDMENT TABLED

On motion of Representative Turner, the committee amendment #2 was tabled.

Yeas 67; Nays 5.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Burke, Butler, Campbell, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Knight, Kvalheim, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rich, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, White, Willis and Zoghby.

Nay:

Representatives Cagle, Hawkins, Rogers (F), Turnham and Williams.

- 5

And the bill:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Knight, Kvalheim, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Powell, Rich, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, White, Williams, Willis and Zoghby.

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Nay:

Representative Dolbare.

- 1

And the bill:

H. 27. (With Amendment): To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$15,500,000 for the fiscal year ending September 30, 1993.

was taken up.

The question was then on the adoption of the amendment reported by the

Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 27 on Page 1, by deleting line 22 in its entirety and inserting in lieu thereof the following: "of ten million, one hundred thousand dollars (\$10,100,000)"

Further amend on page 1, line 26 by inserting the following: "In addition, there is hereby appropriated four million, four hundred thousand dollars (\$4,400,000) from the State General Fund to the Department of Corrections for the funding of the Community Punishment and Corrections Act of 1991 for the fiscal year ending September 30, 1993."

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the bill, H. 27, and to the pending amendment reported by the Standing Committee on Ways and Means:

To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,500,000 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,500,000 for the fiscal year ending September 30, 1993.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Starkey offered the following substitute to the substitute offered by Representative Harper to the bill, H. 27, and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the State General Fund to the

Department of Corrections the sum of thirteen million six hundred thousand one hundred dollars (\$13,600,100) for the fiscal year ending September 30, 1993. It is the intent of the Legislature that Easterling Correctional Facility in Barbour County be reopened as soon as the Commissioner of the Department of Corrections deems feasible. Of this amount so appropriated the sum of \$101,100 shall be expended for Youth Services non-secure detention facilities in the following amounts:

- (1) Baldwin County Youth Services.....\$16,800
- (2) Colbert-Lauderdale Attention Home.....\$43,800
- (3) Cornerstone.....\$ 3,000
- (4) Glenwood Facility.....\$37,500

Section 2. In the event that funds available to be allotted to the Department of Corrections from the State General Fund for the fiscal year ending September 30, 1993 exceed \$143,600,000, the funds in excess of that amount shall revert to the State General Fund.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of law which conflict with this act are hereby specifically repealed.

Section 5. This act shall become effective on October 1, 1992.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Starkey was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 70. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992. This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year.

TOMMY CARTER
Chairman

And the bill, H. 70, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

TOMMY CARTER
Chairman

And the bill, H. 80, as engrossed, was ordered sent to the Senate.

H. 27 RESUMED

And the bill:

H. 27. To make a supplemental appropriation to the Department of

Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, House Rules 58 and 59 were suspended in order to permit the Standing Committees to meet.

H. 67 TAKEN UP

And the bill:

H. 67. (With Substitute): To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To provide an appropriation for capital outlay or for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Carothers offered the following substitute to the committee substitute reported by the Standing Committee on Ways and Means to the bill, H. 67:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of two million one hundred ninety-five thousand two hundred eighteen dollars (\$2,195,218), out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Emergency Medical Services Programs as follows:

(a) Birmingham Regional Emergency Medical System.....	\$286,680
(b) East Alabama Emergency Medical Services, Inc.....	\$286,679
(c) North Alabama Emergency Medical Services, Inc.....	\$286,679
(d) Southeast Alabama Emergency Medical Services Council, Inc.....	\$286,679
(e) Southwest Alabama Emergency Medical Services System, Inc.....	\$286,679
(f) West Alabama Emergency Medical Services, Inc.....	\$286,679
(g) Trenholm State Technical College.....	\$158,381
(h) Gadsden State Community College.....	\$158,381
(i) Lurleen B. Wallace State Junior College.....	\$158,381

Section 2. The amounts herein appropriated shall be used for the operation and maintenance of the various emergency medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs. To be eligible to receive this appropriation, those agencies listed in Section 1 subsections (a) through (f), may not spend more than 25% of their entire budget for administrative costs. The entire budget shall include the state funds herein appropriated and funds received from any other sources. Administrative costs shall include personnel salaries and related benefits, travel, and office supplies and office expenses such as rent and utilities. Travel reimbursement shall not exceed the rate of reimbursement allowed employees of the State of Alabama. The remainder shall be utilized for training and equipment grants to ambulance services, rescue squads, fire departments and volunteer fire departments. The expenditure of funds herein appropriated to the agencies listed in Section 1, subsections (a) through (f) shall be annually audited by the Examiners of Public Accounts to assure compliance with the provisions of this Section 2. In addition, these agencies shall comply with the appropriate state bid laws and any contract entered into by said agencies shall be approved first by the Contract Review Permanent Legislative Oversight Committee. Also, agency expenditures must conform to the State Emergency Medical Services Plan when such plan is adopted. Reports of the Examiner as provided for in this section shall be forwarded to the Legislature.

review and appropriate action.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1992-93, an operations plan for fiscal year 1992-93 and an audited financial statement for all operations during fiscal year 1990-91 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1992-93 funds following receipt of these reports.

Section 4. This Act shall become effective October 1, 1992.

MOTION IN WRITING LOST

Representative Hall offered the following Motion in Writing relating to the bill, H. 67:

I move the previous question.

And the Motion in Writing was lost.

Yeas 11; Nays 40.

Yea:

Representatives Beasley, Black (L), Carns, Carothers, Freeman, Hall, Hawkins, Morrow, Newton (C), Sanderson and Smith (C).

Nay:

Mr. Speaker, Anderson, Barnes, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carter, Cosby, Crow, Dolbare, Fuller, Gaston, Gullatt, Haney, Higginbotham, Hogan, Holley, Holmes, Kennedy, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, McKee, McMillan, Parker (P), Penry, Rich, Rogers (J), Spratt, Venable, Warren, White and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE TO SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Carothers to the committee substitute to the bill, H. 67, and the substitute offered by Representative Carothers was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hawkins, Higginbotham, Hill, Hogan, Holley, Holmes, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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H. 67 TEMPORARILY CARRIED OVER

On motion of Representative White, the bill, H. 67, as amended, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Butler, the rules were suspended in order to take up out of order the bill, H. 78.

And the bill:

H. 78. (With Substitute): To make a supplemental appropriation from the State General Fund to the State Department of Human Resources for the fiscal year ending September 30, 1993 in the amount of \$5,500,000.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to veterans' nursing homes and veterans' homes; to amend the Code of Alabama 1975, Sections 22-21-260 and 22-21-777, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need; and to make a supplemental appropriation from the State General Fund to the State Department of Veterans Affairs for the fiscal year ending September 30, 1993, in the amount of \$5,500,000, to be used for veterans' nursing homes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that the purpose of this act is to provide for veterans' nursing homes and veterans' homes. For this purpose the Legislature desires to appropriate funds to the State Department of Veterans Affairs to be used to match federal funds for the construction of a veterans' nursing home in Bay Minette, Alabama, and for the construction of a veterans' nursing home in Huntsville, Alabama. The Legislature further finds that the need for future veterans' nursing homes and veterans' homes directly relates to the availability of nursing homes in compliance with the State Health Plan. The Legislature further desires to specify that the definition of health care facility as used in the certificate of need statute includes veterans' nursing homes and veterans' homes, or any similar facilities, but that the construction of these two veterans' nursing homes in Bay Minette, Alabama, and in Huntsville, Alabama, is intended to be specifically excluded from the certificate of need statute, and should not be subject to the certificate of need process.

Section 2. Sections 22-21-260 and 22-21-777, Code of Alabama 1975, is hereby amended to read as follows:

"§22-21-260.

"As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

"(1) STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA). An agency of the state of Alabama which is designated by the governor as the sole state health planning and development agency, which shall consist of three consumers, three providers and three representatives of the governor who all shall serve staggered terms and all be appointed by the governor. Where used in this article, the terms, 'state agency,' and the 'SHPDA,' shall be synonymous and may be used interchangeably.

"(2) STATEWIDE HEALTH COORDINATING COUNCIL. A council, appointed by the governor, established pursuant to the provisions of Title XV, section 1524, of the Public Health Service Act (42 USC 300m-3) and sections 22-4-7 and 22-4-8 to advise the state health planning and development agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it.

"(3) HEALTH SERVICE AREA. A geographical area designated by the governor, as being appropriate for effective planning and development of health services.

"(4) STATE HEALTH PLAN. A comprehensive plan which is prepared triennially and reviewed at least annually and revised as necessary by the statewide health coordinating council, with the assistance of the state health planning and development agency, and approved by the governor.

"The state health plan shall provide for the development of health programs and resources to assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state.

"(5) HEALTH CARE FACILITY. Such term shall include: General and specialized hospitals, including tuberculosis, psychiatric, long-term care and other types of hospitals, and related facilities such as, laboratories, out-patient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; veterans' nursing homes and veterans' homes, owned or operated by the State Department of Veterans Affairs, as these terms are described in Section 31-5A-1, et seq.; rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing

hemodialysis units; community mental health centers and related facilities; alcohol and drug abuse facilities; facilities for the developmentally disabled; home health agencies and health maintenance organizations. The term 'health care facility' shall not include the offices of private physicians or dentists, whether for individual or group practices and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts, or a ~~veterans~~ veterans' nursing home or veterans' home operated or owned by the state department of ~~veteran~~ veterans affairs; not to exceed 150 beds to be built in Bay Minette, Alabama, or a veterans' nursing home or veterans' home not to exceed 120 beds to be built in Huntsville, Alabama, for which federal funds under Title 38, U.S.C. 641 et seq. have been approved prior to the amendment of this section.

"(6) HEALTH SERVICES. Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services customarily furnished on either an in-patient or out-patient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

"(7) CAPITAL EXPENDITURE. An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the healthcare facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which:

"a. Exceeds \$500,000.00 for major medical equipment; \$500,000.00 for new annual operating costs; \$1,500,000.00 for any other capital expenditure;

"b. Changes the bed capacity of the facility with respect to which such expenditure is made; or

"c. Substantially changes the health services of the facility with respect to which such expenditure is made.

"(8) PERSON. Any person, firm, partnership, association, joint venture or corporation, the state of Alabama and its political subdivisions or parts thereof and any agencies or instrumentalities and any combination of persons herein specified, but 'person' shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulations established by this article.

"(9) APPLICANT. Any person, as defined in this section, who files an application for a certificate of need.

"(10) ACQUISITION. Such term shall mean and include obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the

substantial benefit of such titles or estates, whether by purchase, lease, loan or suffrage, gift, devise, legacy, settlement of a trust or means whatever, and shall include any act of acquisition. The term 'acquisition' shall not mean or include any conveyance, or creation of any lien or security interest by mortgage, deed of trust, security agreement or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement or similar financing instrument nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified herein above by a natural person to any member of such person's immediate family.' For the purposes of this section 'immediate family' shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the fourth degree of kindred as such degrees are computed according to law.

"(11) CONSTRUCTION. Such term shall mean and include actual commencement, with bona fide intention of completing the same, or completion of the construction, erection, remodeling, relocation, excavation or fabrication of any real property constituting a facility under this article, and the term 'construct' shall mean and include any act of construction. 'Ground breaking ceremony,' 'receipt of bids,' 'receipt of quotation' or similar action that will permit unilateral termination without penalty shall not be considered 'construction.'

"(12) FIRM COMMITMENT OR OBLIGATION. Such terms shall mean and include:

"a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefor;

"b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services; and

"c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

"(13) INSTITUTIONAL HEALTH SERVICES. Health services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

"(14) MODERNIZATION. The alteration, repair, remodeling, replacement and renovation of existing buildings including initial equipment thereof and the replacement of equipment of existing buildings.

"(15) TO OFFER. Such term, when used in connection with health services, means that the health care facility or health maintenance organization holds itself

out as capable of providing, or as having the means for the provision of, specified health services.

"(16) RURAL HEALTH CARE PROVIDER/APPLICANT/HOSPITAL. A provider or applicant or hospital which is designated by the United States Government Healthcare Financing Administration as rural.

"§22-21-277.

"The provisions of this article are cumulative and, insofar as possible, they shall be construed in *pari materia* with other laws relating to public health. Nevertheless, all laws or parts of laws including without limitation Section 31-5A-1 et seq., which conflict with this article are repealed."

Section 3. There is hereby appropriated to the State Department of Veterans Affairs the amount of \$5,500,000 from the State General Fund for the fiscal year ending September 30, 1993.

Section 4. The appropriation provided by this act shall be used as the required state match to receive federal funds for construction of a veterans' nursing home in Bay Minette, Alabama, and for the construction of a veterans' nursing home in Huntsville, Alabama.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell,

McMillan, Melton, Mikell, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-78

AMENDMENT OFFERED

Representative Butler offered the following amendment #1 to the bill, H. 78, as amended:

Amend Sub to H. 78 on page 4, Section 2, line 21 by deleting after the word exceed the following: 120 and inserting in lieu thereof, the following: 150

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Butler, Cagle, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-74

AMENDMENT OFFERED

Representative Butler offered the following amendment #2 to the bill, H. 78, as amended:

Amend House Bill 78 on page 1 line 31 by striking the word "supplemental" and insert the word "conditional".

Further amend on page 8 after line 4 by adding. "Said appropriation shall

be conditioned on the availability of funds, recommendation of the Finance Director and approval of the Governor."

Further amend on page 1 on line 17 after the word "an" by adding the word "conditional".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bryant, Burke, Butler, Cagle, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-77

Nay:

Representative Holmes.

- 1

And the bill:

H. 78. Relating to veterans' nursing homes and veterans' homes; to amend the Code of Alabama 1975, Sections 22-21-260 and 22-21-777, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need; and to make a conditional appropriation from the State General Fund to the State Department of Veterans Affairs for the fiscal year ending September 30, 1993, in the amount of \$5,500,000, to be used for veterans' nursing homes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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CO-SPONSORS ADDED

Representatives Anderson, Barnes, Black (L), Blakeney, Bowling, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Crow, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hammett, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Layson, Letson, Lindsey, McDowell, McKee, Melton, Morton, Newton (C), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rogers (J), Sanderford, Thomas, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby were added as co-sponsors to the bill, H. 78.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Smith (C) offered the motion to reconsider the vote by which the bill, H. 90, was lost, and the motion to reconsider was adopted.

Yeas 57; Nays 22.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Escott-Russell, Fuller, Gaines, Gaston, Grayson, Hammett, Harper, Hawkins, Hogan, Holmes, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDowell, McMillan, Millican, Morton, Newton (C), Newton (D), Payne, Penry, Perdue, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Thomas, Venable, White, Willis and Zoghby.

-57

Nay:

Representatives Blakeney, Bryant, Cagle, Cullins, Dolbare, Flowers, Freeman, Gullatt, Hall, Hamilton, Haynes, Holladay, Laird, Layson, McKee, Parker (P), Poole, Powell, Rich, Smith (R), Walker and Warren.

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And the bill, H. 90, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 28.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Clay, Cosby, Crow, Curry, Escott-Russell, Fuller, Gaines, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Hogan, Holmes, Hooper, Kennedy, Knight, Kvalheim, Letson, Lindsey, McClain, McDowell, McMillan, Morton, Newton (D), Payne, Penry, Perdue, Petelos, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turnham, Venable, Willis and Zoghby.

-56

Nay:

Representatives Blakeney, Bryant, Cagle, Collins, Cullins, Dolbare, Flowers, Freeman, Gullatt, Hall, Hamilton, Haney, Haynes, Holladay, Laird, Layson, McDaniel, McKee, Mikell, Parker (P), Parker (T), Poole, Powell, Rich, Smith (R), Walker, Warren and White.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Holley, the rules were suspended in order to take up out of order the bill, H. 4.

And the bill:

H. 4. (With Substitute) (With Amendments): To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Holley offered the following substitute to the committee substitute reported by the Standing Committee on Ways and Means to the bill, H. 4, and to the pending committee amendments:

A BILL TO BE ENTITLED AN ACT

To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Findings and Intent.

The Legislature hereby finds and declares that it is necessary, desirable and in the best interests of the future of the state that the children of Alabama receive the best education possible within the limited resources available to the citizens of the state. The Legislature also recognizes that individuals, businesses, and corporations interested in enhancing the educational programs of public schools in the state hold considerable wealth. It is the intention of the Legislature by passage of this act to authorize the formation of a public corporation to encourage and promote private giving, the creation of perpetual trusts, and the prudent investment of available funds, from any source, to enhance the achievement of academic excellence in Alabama's kindergarten through grade twelve public schools.

Section 2. Incorporation Authorized.

The Governor, the Speaker of the House of Representatives, the Lieutenant Governor and the State Superintendent of Education may become a corporation with the power and authority hereinafter provided by proceeding according to the provisions of this act. This corporation shall be known as the Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools.

Section 3. Application for Incorporation.

(a) To become a corporation, the Governor, the Speaker, the Lieutenant Governor and the State Superintendent of Education shall present to the Secretary of State of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants;

(2) The dates of the beginning and ending of the term of office of each of the applicants;

(3) The name of the proposed corporation;

(4) The location of the principal office of the corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the state of Alabama.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds.

(c) The Secretary of State shall examine the application; and, if he finds that it substantially complies with the requirements of this act, he shall receive and file it and record it in the appropriate book of records in his office.

Section 4. Certificate of Incorporation.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name of the Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools and the Secretary of State shall make and issue to the applicants a certificate of incorporation, under the great seal of the state, and shall record the certificate with the application. No fees shall be paid to the Secretary of State for any work in connection with the incorporation of the corporation, which is hereinafter sometimes called "the foundation."

Section 5. Board of Trustees and Officers.

(a) The foundation shall be governed by a twelve member board of trustees consisting of the following: the Governor and two members appointed from the state at large by the Governor, the Speaker of the House and two members from the House of Representatives appointed by the Speaker, the Lieutenant Governor and two members from the Senate appointed by the Lieutenant Governor, the State Superintendent of Education or his designee, one member of the State Board of Education elected by such Board's membership, and the Secretary-Treasurer of the Teachers' Retirement System of Alabama or his designee. The appointed members shall serve terms concurrent with their appointing authority. Of the appointments made by the Governor, the Lieutenant Governor, and the Speaker of the House, one of each of the two appointments by these appointing authorities shall be black.

(b) The Governor shall serve as president of the board. The State Superintendent of Education shall serve as secretary of the board. The board shall elect a vice-president and such other officers as it may determine from among its other members. The board may appoint such other officers or committees as it shall deem appropriate. No officer or member of the board of trustees of the foundation shall be entitled to any compensation for acting as such, but each shall be entitled to be reimbursed for the reasonable and necessary expenses incurred by him in the discharge of his official duties. The board may establish and appoint such advisory committees as it shall deem necessary and appropriate to accomplish the purposes of this act.

(c) The board shall meet at the call of its president or upon the call of a petition signed by four or more members.

(d) The State Superintendent of Education shall cause the State Department of Education to provide staff, office space, and administrative support to the foundation. The Legislature may from time to time appropriate funding to defray the expenses of the foundation, either by separate line or by inclusion in the operations and maintenance line, to the State Department of Education. The State Department of Education is authorized to pay the Retirement Systems of Alabama the cost of an annual audit of the foundation funds.

Section 6. Purpose of the Foundation.

The purpose of the foundation shall be to promote academic excellence in Alabama's public schools and to aid and assist in any undertaking in connection with such promotion. The foundation shall receive, invest, maintain, and apply the income and principal of donated monies for educational and eleemosynary purposes, related to the promotion, development, enhancement, and growth of kindergarten through grade twelve public education in Alabama.

Section 7. Powers of the Foundation.

The foundation shall have the following powers:

- (1) To have succession by its corporate name in perpetuity;
- (2) To sue and to be sued and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties thereto;
- (3) To adopt and use a corporate seal and to alter the seal at pleasure;
- (4) To adopt and amend bylaws;
- (5) To execute contracts and other necessary documents;
- (6) To acquire by gift, grant, purchase, or otherwise, and to hold title to, real or personal property, or both, together with all rights incidental thereto;
- (7) To invest and reinvest any funds of the foundation in any instrument, obligation, security, or property that constitutes a legal investment of the Teachers' Retirement System of Alabama.
- (8) To solicit and accept devises, bequests, grants, and donations;
- (9) To promulgate rules and regulations; and
- (10) To have all other powers necessary or desirable to accomplish its corporate purposes.

Section 8. Acceptance of Appropriations, Gifts, and Grants.

The foundation is authorized to seek and to accept gifts, devises, grants, or bequests and to hold or expend the same to carry out the provisions of this act. The foundation is authorized to accept appropriations or grants from the state, any county, any municipality, any local board of education, any local public school under the control of a local board of education, or any organized group recognized by a local school such as a local parent-teacher organization or school booster club, and the foundation may hold or expend the same to carry out the provisions of this act.

Section 9. Management and Disbursement of Assets and Earnings.

(a) All gifts, grants, devises, and bequests to the foundation whether from individuals, associations, corporations, companies, or governmental entities, including local boards of education or local public schools, shall be deposited by the foundation with the Teachers' Retirement System of Alabama. The Retirement System shall invest and reinvest such donations and all income therefrom as it invests its own monies. The foundation shall insure that the Retirement System maintains such records as to separately account for the foundation's monies, both principal and income, by beneficiary and in accordance with the terms of the gift. The foundation shall be responsible for authorizing the Retirement System to

make any disbursement of income other than for investment or reinvestment.

(b) Any public school system may withdraw annually up to eighty percent (80%) of the income generated from any account held by the foundation in its name or in the name of any public school under the control of the system. Any funds withdrawn by a public school system may be expended for classroom supplies or equipment, equipment for science or mathematics laboratories, vocational equipment, computer hardware or software or any other equipment or supplies directly related to student instruction. None of the funds may be expended for salaries, maintenance of the physical plant or ordinary current operating expenses of a school system. Any funds held in the name of a local public school shall be expended for the benefit of such school as recommended by the principal of the school and approved by the local superintendent. Twenty percent (20%) of the income for each account shall be transferred annually to principal so as to create a perpetual trust for the benefit of the local public school or school system as the case may be. Any income not withdrawn at the end of the year shall be transferred to principal. Any capital gains from investment shall be treated as principal.

(c) Any public school wishing to make a withdrawal shall make the request to the local superintendent who shall approve the request and submit the request along with any request for that public school system to the foundation during the month of June each year. The foundation board during the month of July shall review each request received and shall approve the request if it meets the guidelines of amount and use. The foundation shall forward authorization for disbursements of income to the Retirement System during the month of August. The Retirement System shall disburse funds approved by the foundation as soon after the start of school each year as is practical.

(d) In the event of a closure or merger of a public school or public school system which has funds on deposit with the foundation, the local superintendent shall send written notice of such event to the foundation with a suggested disposition of the funds held for such public school or public school system. The foundation trustees shall have authority to accept or reject such suggestion after due consideration. The trustees shall have authority to determine final disposition of the funds. The decision of the foundation trustees shall be final and shall not be subject to appeal. The foundation shall notify the Retirement System of closures or mergers and of the trustees' decision on disposition of account assets.

Section 10. Reports to the Legislature.

The foundation shall report to the Legislature annually at each regular session with respect to the balances of funds held, additions to the foundation, earnings of the foundation, and disbursements by the foundation by beneficiary since its last report and any other information requested by the legislature.

Section 11. Exemptions from Taxation.

(a) All assets and properties of the foundation, the income therefrom and all other income of the foundation shall forever be exempt from any form of taxation in the state of Alabama whether imposed by the state, a county, or a municipality.

(b) All gifts, grants, devises, and bequests to the foundation by individuals, associations, corporations, and companies shall be exempt from all county and municipal taxes and shall be deductible from state income taxes in accordance with Section 40-18-15, Code of Alabama, 1975 as amended.

Section 12. Nonprofit and Public Nature of the Foundation.

It is the intention of this act that the foundation be a nonprofit public corporation. No part of the net earnings of the foundation shall inure to the benefit of any private individual, firm, or corporation.

Section 13. Dissolution of the Foundation.

In the event of dissolution, which may be accomplished only by legislative act, the residual assets of the foundation shall be turned over to another public corporation or organization which is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code, as amended. The foundation trustees shall to the extent possible consider the desires of the beneficiary entities when determining final distribution of assets. The decision of the foundation trustees shall be final and shall not be subject to appeal.

Section 14. Repealer Clause.

All laws or parts of laws in direct conflict with this act are hereby repealed.

Section 15. Severability Clause.

The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be severed and such judgement or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the operation of such judgement shall be confined to the clause, sentence, paragraph, section, or part of this act so adjudged to be invalid or unconstitutional.

Section 16. Effective Date.

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Holley was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, White, Williams, Willis and Zoghby.

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And the bill, H. 4, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Walker, White, Willis and Zoghby.

-80

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hooper to suspend the rules in order to take up out of order the bill, H. 33, was lost, lacking a four-fifths vote.

Yeas 61; Nays 19.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Cagle, Carns,

Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Flowers, Freeman, Fuller, Gaines, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Parker (T), Payne, Penry, Poole, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

-61

Nay:

Representatives Barnes, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Dolbare, Escott-Russell, Gaston, Kennedy, Kvalheim, McClain, McDowell, Newton (D), Perdue, Richardson, Rogers (J), Spratt and Zoghby.

-19

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 27. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

TOMMY CARTER
Chairman

And the bill, H. 27, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hogan, the rules were suspended in order to take up out of order the bill, H. 41.

Yeas 49; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bryant, Burke, Buskey (JE), Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Hall, Hawkins, Haynes, Hill, Hogan, Holley, Knight, Kvalheim, Layson, McClain, McMillan, Millican, Morrow, Morton, Parker (P), Payne, Penry, Petelos, Poole, Rogers (F), Smith (C), Smith (R), Turner, Warren, White, Williams and Willis.

-49

Nay:

Representatives Barnes, Hamilton, Holmes, Laird, McDaniel and Rich.

- 6

And the bill:

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Curry, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Hall, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Kvalheim, Layson, Letson, McClain, McMillan, Mikell, Millican, Morton, Parker (P), Payne, Petelos, Poole, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, White, Williams and Willis.

-52

Nay:

Representatives Barnes, Box, Dolbare, Holmes, Laird and Rich.

- 6

MOTION TO ADJOURN LOST

The motion offered by Representative Carter that the House adjourn was lost.

H. 67 RESUMED

And the bill:

H. 67. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 3.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Hall, Hammett, Haney, Harper, Haynes, Hill, Hogan, Holladay, Holmes, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, McClain and Rogers (J).

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 67. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 67, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 78. Relating to veterans' nursing homes and veterans' homes; to amend the Code of Alabama 1975, Sections 22-21-260 and 22-21-777, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need; and to make a conditional appropriation from the State General Fund to the State Department of Veterans Affairs for the fiscal year ending September 30, 1993, in the amount of \$5,500,000, to be used for veterans' nursing homes.

TOMMY CARTER
Chairman

And the bill, H. 78, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

TOMMY CARTER
Chairman

And the bill, H. 26, as engrossed, was ordered sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:40 P.M. on September 24, 1992.

H.J.R. 7	H.J.R. 51
H.J.R. 27	H.J.R. 52
H.J.R. 28	H.J.R. 53
H.J.R. 29	H.J.R. 54
H.J.R. 30	H.J.R. 55
H.J.R. 31	H.J.R. 56
H.J.R. 32	H.J.R. 59
H.J.R. 33	H.J.R. 61
H.J.R. 34	H.J.R. 3
H.J.R. 35	H.J.R. 2
H.J.R. 45	

Delivered to the Governor at 2:17 P.M. on September 24, 1992.

H.J.R. 66
H.J.R. 67

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Carter, the House adjourned until 2:00 o'clock p.m., Tuesday, September 29, 1992.

FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, September 29, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend John Nettles, Mount Olive Baptist Church, Anniston, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie Hughes, 6th Grade, Trinity School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Gaines, leave of absence was granted for Representative Sanderson.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fourth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 36. EXPRESSING SUPPORT FOR UNITED STATES SENATE BILL 1002, MAKING IT A FEDERAL CRIME TO LEAVE OR REMAIN OUTSIDE A STATE FOR THE PURPOSE OF AVOIDING PAYMENT OF ARREARAGE IN CHILD SUPPORT.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 46. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

MCDOWELL LEE
Secretary

BILLS ON SECOND READING

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including

without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 102. To amend Section 11-52-3 of the Code of Alabama 1975, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

H. 104. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

H. 105. Relating to Jefferson County; to further amend Section 18 of Act No. 248, H. 580, 1945 Regular Session, as amended, relating to creating and establishing a countywide civil service system, to provide for additional names to be certified for vacancies in the classified service.

H. 108. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 43. (With Amendment): To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

RESOLUTIONS

The following resolution was introduced:

By Representative Hammett:

H.R. 74. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, September 29, 1992, we adjourn to meet again on Wednesday, September 30, 1992, at 10:00 A. M.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 74, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 75. COMMENDING MR. AND MRS. CHARLIE EVANS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Representative Grayson:

H.R. 76. COMMENDING MYLLICENT BUCHANAN.

Also:

The following resolution was introduced:

By Representatives Venable, Buskey (JE), Zoghby and Curry:

H.J.R. 77. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

WHEREAS, it is necessary for the Legislature to provide for fair and accurate elections in a democratic society; and

WHEREAS, among other issues there exist considerable conflicts in the current election laws, the costs involved in holding elections have increased dramatically, and the increased use of absentee ballots presents a potential for abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study election law reform. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the laws relating to elections.

An Advisory Committee, whose members shall receive no remuneration, shall be formed with one member being appointed by each of the following: the President of the Alabama Probate Judges Association; three Judges appointed by the President of the Alabama Probate Judges Association; the President of the Alabama Association of Clerks and Registers; the President of the Alabama Association of Boards of Registrars; the President of the Alabama Sheriff's Association; the Secretary of State; and others the committee may deem advisable.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's

work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1993 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

MOTION TO SUSPEND RULES AND ADOPT

Representative Venable offered the motion to suspend the rules and adopt the resolution, H.J.R. 77.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Venable to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 77, and the motion was adopted.

RESOLUTION ADOPTED

On motion of Representative Venable, the resolution, H.J.R. 77, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 78. COMMENDING J. FRED O'BRIEN, JR., FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

By Representative Flowers:

H.R. 79. COMMENDING SERGEANT FIRST CLASS GLENN W. GOLDEN FOR DISTINGUISHED SERVICE TO THE JROTC PROGRAM AT CHARLES HENDERSON HIGH SCHOOL.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Spratt, Barnes, and Escott-Russell (With Notice and Proof):

H. 118. Relating to Class 1 municipalities; providing for the election of the city board of education from nine single-member districts.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 118, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hooper:

H. 119. To amend Section 41-23-24, Code of Alabama 1975, to provide further for the use of certain enterprise zone income tax credits for certain business entities.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Buskey (JE), Clark (W) and Kennedy:

H.R. 80. COMMENDING ELDER PHILLIP GARDNER OF MASON MEMORIAL TEMPLE, COGIC, MOBILE, ALABAMA.

Also:

By Representatives Buskey (JE), Clark (W), Kennedy, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 81. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Buskey (JE), Clark (W), Kennedy, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 82. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates our friend and former colleague, Cain James Kennedy of Mobile, Alabama, on his May 1992 promotion to Captain, JAG Corps, USNR-R; and

WHEREAS, Cain J. Kennedy, who has served since 1979 as Circuit Judge

of the 13th Judicial Circuit, Mobile, enlisted in the United States Navy in August 1955 and was honorably discharged in August 1961; he is a member of the Naval Reserve Association, the National Naval Officer Association and the Reserve Association; and

WHEREAS, Judge Kennedy, who is a graduate of California State University with the B.A. degree, received his J.D. (WH) degree from National Law Center at George Washington University; is a graduate also of the National Judicial College and the American Academy of Judicial Education; is a member of the Alabama, District of Columbia, American and National Bar Associations, and the American Association of Trial Lawyers; and was actively engaged in the practice of law from 1971 to 1979; and

WHEREAS, Judge Kennedy, beyond his legislative service as a member of the House of Representatives from 1974 to 1979, during which time he was chair of the Insurance Committee and a member of the Committee on Rules, was also elected to the Alabama State Democratic Executive Committee in 1976 and 1978; was an elected delegate to the 1976 Democratic National Convention; and since his 1979 appointment as Circuit Judge, has been elected to two consecutive six-year terms (1982 and 1988); and

WHEREAS, in addition, however, to his professional duties and responsibilities and those related to the Navy Reserve, Judge Kennedy has provided leadership to countless civic, fraternal and community organizations, and is an active member of Mount Sinai Baptist Church of Whistler, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and on the occasion of his promotion to the rank of Captain in the United States Navy Reserve, we hereby commend Cain J. Kennedy of Mobile, Alabama, whom we hold in highest personal regard and to whom a copy of this resolution shall be presented.

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.J.R. 82, was adopted.

Also:

By Representatives Buskey (JE), Clark (W) and Kennedy:

H.J.R. 83. COMMENDING ELDER PHILLIP GARDNER OF MASON MEMORIAL TEMPLE, COGIC, MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with pleased commendation the forthcoming celebration on Sunday, October 25, 1992, of Elder Phillip Gardner's 18th Anniversary as pastor of Mason Memorial Temple, COGIC, Mobile, Alabama; and

WHEREAS, Elder Gardner, the fourth of twelve children, was inspired into the ministry by the teachings of his parents, the late Joseph Gardner and Mrs. Laura McDade Gardner, former members of Mason Memorial Temple; and

WHEREAS, in the ministry since 1971, Elder Gardner served as pastor of Book Avenue COGIC from 1971 until 1973 and, since 1974, has provided pastoral leadership to Mason Memorial Temple; and

WHEREAS, he also served as State President of the Second Jurisdiction of the State of Alabama for the Churches of God in Christ for 25 years under the leadership of Bishop W. Harris and former Bishop James Bailey; and

WHEREAS, Elder Gardner's tenure as pastor of Mason Memorial Temple has indeed been one of great inspiration and devotion, and the celebration of his 18th Year Anniversary is an event to be recognized with praise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the members and community in celebrating the 18th Anniversary of Elder Phillip Gardner's pastorate at Mason Memorial Temple, COGIC, Mobile, Alabama, and direct that copies of this resolution be prepared for appropriate presentation on this eventful occasion.

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.J.R. 83, was adopted.

Also:

By Representatives Buskey (JL), Holmes, Walker, McKee and Hooper:

H.J.R. 84. MOURNING THE DEATH OF ROBERT DABNEY SMILEY, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, a source of deep sorrow to the Legislature of Alabama is the lamentable and untimely death of Robert Dabney Smiley, Jr., of Montgomery, Alabama, on August 18, 1992, at the age of just 49 years; and

WHEREAS, Mr. Smiley, born in Mobile to the late Robert Smiley and Ida Belle Smiley, received Christ at an early age, was baptized by the late Dr. Martin Luther King, Jr., and remained a member of the Dexter Avenue King Memorial Baptist Church until death came "to bid the soul go free"; and

WHEREAS, educated at Alabama State Laboratory School, and at Southern Normal High School in Brewton, Alabama, Dabney Smiley earned the B.S. degree from Fisk University, and his entire professional career reflected his commitment to education in such capacities as coach, teacher and athletic director in Eufaula, Opelika and Montgomery; and

WHEREAS, he also served as Director of the Planning Division and Equal Opportunity Officer for the Autauga, Elmore, Montgomery Manpower Consortium; Manpower Development Specialist and Regional Coordinator, Alabama Department of Mental Health; and as UniServ Director, Montgomery County (AEA); and

WHEREAS, included among his many civic, community and fraternal affiliations were the Montgomery County Education Association, NEA, AEA, Montgomery County Board of Registrars, Omega Psi Phi Fraternity, Jack and Jill of America, Inc., and Cleveland Avenue YMCA Young Men's Forum; and

WHEREAS, the death of Robert Dabney Smiley, Jr., has indeed left an unfathomable void in the life of the community, and in the hearts of his loving family, many friends, and all those privileged to share the joy and happiness of his life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert Dabney Smiley, Jr., of Montgomery, Alabama, and extend heartfelt sympathy to his wife, Sylvia Brandon Smiley; children, Robert Crosby and Lydia Nichole Smiley; to his mother, Mrs. Ida Belle Smiley; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Representative Buskey (JL), the rules were suspended and the resolution, H.J.R. 84, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 36. EXPRESSING SUPPORT FOR UNITED STATES SENATE BILL 1002, MAKING IT A FEDERAL CRIME TO LEAVE OR REMAIN OUTSIDE A STATE FOR THE PURPOSE OF AVOIDING PAYMENT OF ARREARAGE IN CHILD SUPPORT.

Also:

H.J.R. 46. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS AND PRODUCTS WITH RECYCLED CONTENT.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RECESS

On motion of Representative Thomas, the House recessed.

Yeas 49; Nays 26.

Yea:

Representatives Black (L), Bowling, Bryant, Burke, Buskey (JE), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Grayson, Hall, Haney, Harvey, Hogan, Holladay, Holley, Kennedy, Letson, Mathis, McDowell, Mikell, Newton (D), Parker (P), Perdue, Poole, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, Biddle, Box, Campbell, Collins, Cosby, Curry, Drake, Gaston, Hammett, Hawkins, Haynes, Hill, Johnson, Knight, Laird, McClain, McKee, McMillan, Morrow, Morton, Parker (T), Powell, Richardson, Sanderford and Walker.

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HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

LEAVE OF ABSENCE

At the request of Representative Holladay, leave of absence was granted for Representative Black (M).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Ghee:

S. 11. To change the name of the Alabama Special Educational Trust Fund.

Also:

By Senator Bennett:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

Also:

By Senator Mitchell:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

Also:

By Senator Horn:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus

passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 11. Ways and Means.
- S. 19. Industrial Development and Economic Growth.
- S. 36. State Administration.
- S. 42. Ways and Means.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Butler, Hall, Freeman, Sanderford, Grayson and Haney:

H.R. 85. COMMENDING ASTRONAUT JAN DAVIS OF HUNTSVILLE, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Buskey (JE):

H.J.R. 86. CREATING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF CASINO GAMBLING IN ALABAMA

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Legislative Committee to study the feasibility of casino gambling in Alabama. The committee shall be composed of five members of each house, to be appointed by the presiding officer of each house. One of the members appointed from each

house shall be the Chair of the Committee on Ways and Means and the Chair of the Finance and Taxation Committee. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of gambling in the state, including, but not limited to: (1) a statewide gambling commission, (2) proposal of regulations, and (3) distribution of tax revenues.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the second legislative day of the 1993 First Special or Regular Session. The committee may meet in Montgomery, or other sites in Alabama, or neighboring states if desired. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

MOTION TO SUSPEND RULES AND ADOPT

Representative Buskey (JE) offered the motion to suspend the rules and adopt the resolution, H.J.R. 86.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Buskey (JE) to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 86, and the motion was lost.

Yeas 28; Nays 39.

Yea:

Representatives Barnes, Black (L), Bowling, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Clark (W), Clay, Cosby, Escott-Russell, Grayson, Hammett, Harper, Hogan, Holmes, Kennedy, McClain, McDowell, McMillan, Penry, Rockhold, Rogers (J), Spratt, Thomas, Turner and Zoghby.

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Nay:

Representatives Anderson, Blakeney, Carothers, Carter, Collins, Crow, Cullins, Dolbare, Flowers, Ford, Fuller, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Hill, Holladay, Holley, Johnson, Knight, Laird, Letson, Mathis, McKee, Mikell, Millican, Morton, Parker (P), Smith (C), Smith (R), Starkey, Turnham, Walker, Warren and Williams.

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The resolution, H.J.R. 86, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Butler, Hall, Freeman, Sanderford, Grayson, Haney, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 87. COMMENDING ASTRONAUT JAN DAVIS OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with great personal pride, and on behalf of all citizens of the state, that the Alabama Legislature commends Astronaut Jan Davis of Huntsville, Alabama; and

WHEREAS, Jan Davis and her husband, Astronaut Mark Lee, the first husband and wife team in space, were both aboard the "Endeavor," which landed

safely on September 20, 1992, following the successful completion of a cooperative venture between the United States and Japan to conduct experiments in life sciences and materials processing; and

WHEREAS, Jan Davis, an astronaut since 1987, is a graduate of Huntsville High School; she further is the recipient of a bachelor of science degree from Georgia Institute of Technology and also Auburn University, and was awarded both her master of science degree and a doctorate in mechanical engineering from the University of Alabama in Huntsville; and

WHEREAS, Astronaut Jan Davis who, in 1985, was the third woman to receive the Ph.D. degree, and only the second in engineering, in the history of UAH, also was one of only fifteen mission specialists selected in the United States by the National Aeronautics and Space Administration, in June 1987, to fly in space; and

WHEREAS, in recognition of achievement, Dr. Davis has received the Marshall Space Flight Center Director's Commendation, three NASA Special Service Awards, a NASA Fellowship for Full-Time Study, and the ASME National Old Guard Prize; and

WHEREAS, Astronaut Jan Davis is indeed a distinguished Alabamian whose numerous and notable accomplishments have brought widespread fame and honor to her home state, and her many contributions to our nation's space program are deserving of highest public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Astronaut Jan Davis of Huntsville, Alabama, and direct that she receive a copy of this resolution of sincere tribute and warmest personal regard.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 87, was adopted.

Also:

By Representatives Hooper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 88. COMMENDING DR. REXFORD KENNAMER FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND CONTRIBUTIONS TO THE MEDICAL PROFESSION.

WHEREAS, in August 1992, the cardiac surgical group of Cedars-Sinai Medical Center announced the dedication of the cardiac surgical research laboratory in honor of Dr. Rexford Kennamer, of Beverly Hills, California; and

WHEREAS, one of the most celebrated physicians on the West Coast, Dr. Kennamer has counted among his patients such illuminaries as Elizabeth Taylor, Marilyn Monroe, Nancy Reagan, Gary Cooper, Jack Benny, Max Factor and Dr. Armand Hammer; and

WHEREAS, a native of Guntersville, Alabama, Rex Kennamer received his A.B. degree from the University of Alabama and his M.D. degree from Jefferson Medical College in Philadelphia; and

WHEREAS, following an internship and residency in internal medicine, Dr. Kennamer served his Cardiology Research Fellowship at Cedars of Lebanon Hospital and UCLA, and entered private practice in Beverly Hills; and

WHEREAS, Dr. Kennamer who, over the course of his illustrious career, has served as Clinical Chief of Cardiology and as a member of the Board of Governors and Board of Trustees at the Cedars-Sinai Medical Center, has been recognized as a role model for young physicians by the A. B. Parvin Foundation which established a Fellowship Program in his honor at the UCLA Medical Center; he further has authored and co-authored numerous scientific papers and is the founder and president of the Western Cardiac Foundation which, along with Dr. Kennamer, has supported research and teaching throughout the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and contributions to the medical profession, we hereby most highly commend Dr. Rex Kennamer, for whom a copy of this resolution of sincere tribute and esteem shall be provided.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 88, was adopted.

Also:

By Representative Holmes:

H.J.R. 89. ENCOURAGING THE EMPLOYMENT OF BLACKS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby encourage the Alabama Indian Affairs Commission to employ blacks when vacancies occur.

MOTION TO SUSPEND RULES AND ADOPT

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 89.

DIVISION OF THE QUESTION

Representative Dolbare called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Holmes to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 89, and the motion was lost, lacking a four-fifths vote.

Yeas 33; Nays 17.

Yea:

Representatives Barnes, Black (L), Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Cosby, Cullins, Escott-Russell, Goodwin, Grayson, Harper, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, McClain, McDowell, Mikell, Newton (D), Perdue, Rogers (J), Spratt, Starkey, Thomas, Venable, Walker, White and Zoghby.

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Nay:

Representatives Bowling, Cagle, Collins, Curry, Dolbare, Gaston, Hamilton, Haney, Hawkins, Knight, Laird, McDaniel, McKee, McMillan, Sanderford, Smith (R) and Turner.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 89, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to bring up uncontested local bills on the Calendar.

BILLS ON THIRD READING

And the bill:

H. 10. Relating to any Class I municipality; to provide that the governing body of any Class I municipality may establish the salary, benefits, and expense allowance of all elected officials of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 6.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Bowling, Bryant, Buskey (JL), Cullins, Escott-Russell, Freeman, Goodwin, Grayson, Holladay, Holmes, Letson, Lindsey, McClain, McDowell, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Spratt, Starkey, Turnham and Williams.

-28

Nay:

Representatives Biddle, Curry, Gaines, Hawkins, Morton and Petelos.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and

payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 6.

Yea:

Representatives Anderson, Barnes, Black (L), Bryant, Buskey (JL), Clay, Cullins, Escott-Russell, Freeman, Goodwin, Grayson, Hall, Hamilton, Harvey, Holladay, Holmes, Lindsey, McClain, McDowell, Morrow, Newton (D), Perdue, Rogers (F), Rogers (J), Spratt, Starkey, Thomas and Williams.

-28

Nay:

Representatives Biddle, Curry, Gaines, Hawkins, Morton and Petelos.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 53. Relating to governing bodies of Class I municipalities, the governing bodies of counties in which Class I municipalities are primarily located, other governing bodies of municipalities in those counties, and certain zoological societies in those counties; to authorize those governing bodies or societies to individually or jointly incorporate and amend articles of incorporation as a public authority for the purpose of leasing, owning, or operating a zoological park, natatorium, or aquarium, or any combination thereof, in the county; to provide for the election and compensation of members of any such authority; to provide for powers, responsibilities, and duties of any such authority and its board of directors; to provide certain tax exemptions and immunity from tort liability to any such authority; to authorize the issuance of revenue bonds and securities by any such authority and to specify sources of revenue for those bonds; to require compliance with the state ethics, competitive bid, access to public records, and

public meeting statutes; to specifically authorize an authority to acquire, construct, operate, improve, and finance a zoological park, natatorium, or aquarium, or any combination thereof; to provide for the use of proceeds of any revenue bonds or securities issued by an authority; to exempt the property, income, and securities of any authority from all state and local taxation; and to provide that employees of any authority shall be employed subject to the civil service system and personnel board of any Class I municipality in the same manner as other municipal employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 8.

Yea:

Representatives Biddle, Black (L), Bowling, Bryant, Buskey (JE), Buskey (JL), Clay, Cullins, Curry, Gaines, Gaston, Goodwin, Hamilton, Harper, Hawkins, Holladay, Holley, Holmes, Johnson, Letson, Morrow, Morton, Parker (P), Petelos, Rogers (F), Starkey, Thomas, White and Williams.

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Nay:

Representatives Barnes, Escott-Russell, McClain, McDowell, Newton (D), Perdue, Rogers (J) and Spratt.

- 8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 60. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 6.

Yea:

Representatives Barnes, Black (L), Bowling, Bryant, Buskey (JE), Buskey (JL), Clay, Cullins, Escott-Russell, Goodwin, Grayson, Harper, Harvey, Holladay, Holley, Holmes, Johnson, Letson, Lindsey, McClain, McDowell, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Spratt, Starkey, Thomas and Williams.

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Nay:

Representatives Biddle, Curry, Gaines, Hawkins, Morton and Petelos.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

was read a third time at length and passed.

Yeas 40; Nays 0.

Yea:

Representatives Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Clay, Collins, Cullins, Curry, Escott-Russell, Flowers, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Holladay, Holmes, Knight, Lindsey, Morrow, Newton (C), Parker (P), Powell, Rockhold, Smith (C), Smith (R), Spratt, Starkey, Thomas, Williams and Zoghby.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

was read a third time at length and passed.

Yeas 46; Nays 0.

Yea:

Representatives Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Clay, Collins, Cullins, Curry, Dolbare, Flowers, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Letson, Lindsey, McMillan, Morrow, Newton (C), Parker (P), Perdue, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Williams and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

was read a third time at length and passed.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Black (L), Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Clay, Collins, Cullins, Curry, Escott-Russell, Flowers, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Hill, Hogan, Holley, Holmes, Kennedy, Knight, Letson, Lindsey, Morrow, Parker (P), Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Venable, Walker and Zoghby.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Zoghby, the rules were suspended in order to take up out of order the bill, S. 52.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 69. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

Also:

H.J.R. 71. EXPRESSING APPRECIATION TO MR. HOWARD BRONSON, JR., AND THE MOBILE REGISTER.

Also:

H.J.R. 83. COMMENDING ELDER PHILLIP GARDNER OF MASON MEMORIAL TEMPLE, COGIC, MOBILE, ALABAMA.

Also:

H.J.R. 84. MOURNING THE DEATH OF ROBERT DABNEY SMILEY, JR.,
OF MONTGOMERY, ALABAMA.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

Also:

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

Also:

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

Also:

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

Also:

H. 91. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

Also:

H. 92. Relating to Baldwin County; providing further for the compensation of poll workers payable from the county general fund.

MCDOWELL LEE
Secretary

S. 52 TAKEN UP

And the bill:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

was read a third time at length and passed.

Yeas 84; Nays 1.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C),

Parker (P), Parker (T), Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-84

Nay:

Representative Blakeney.

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Morrow, the rules were suspended in order to take up out of order the bill, H. 82.

And the bill:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Crow, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES LOST

The motion offered by Representative Box to suspend the rules in order to take up out of order the bill, S. 25, was lost, lacking a four-fifths vote.

Yeas 49; Nays 21.

Yea:

Representatives Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Ford, Gaines, Goodwin, Haney, Harper, Harvey, Higginbotham, Hogan, Holladay, Holmes, Kennedy, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Newton (C), Parker (P), Parker (T), Powell, Rogers (F), Rogers (J), Sanderford, Spratt, Thomas, Turner, Walker and Willis.

-49

Nay:

Representatives Anderson, Biddle, Curry, Gaston, Gullatt, Hamilton, Hawkins, Haynes, Hill, Holley, Hooper, Johnson, Knight, Kvalheim, Morton, Payne, Poole, Rockhold, Smith (C), Warren and Zoghby.

-21

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Box, the rules were suspended in order to take up out of order the bill, S. 26.

Yeas 64; Nays 12.

Yea:

Representatives Barnes, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Goodwin, Grayson, Gullatt, Haney, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rogers (F), Rogers (J), Sanderford, Spratt, Thomas, Turnham, Walker and Willis.

-64

Nay:

Representatives Anderson, Biddle, Carns, Gaston, Hawkins, Holley, Kvalheim, Rockhold, Smith (C), Turner, Warren and Zoghby.

-12

And the bill:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, S. 26:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-8-4, Code of Alabama 1975, is amended to read as follows:

"§13A-8-4.

"(a) The theft of property which exceeds ~~\$100.00~~ two hundred fifty dollars (\$250) in value but does not exceed ~~\$1,000.00~~ one thousand dollars (\$1,000) in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(b) Theft of property in the second degree is a Class C felony.

"(c) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.

"(d) The theft of a firearm, rifle, or shotgun, regardless of its value, constitutes theft of property in the second degree.

~~"(e) The theft of property which exceeds \$25.00 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.~~

"(f) ~~(e)~~ The theft of any substance controlled by chapter 2 of Title 20 or any amendments thereto, regardless of value, constitutes theft of property in the second degree.

"(g) (f) The theft of any livestock which includes cattle, swine, horses, mules, asses, or sheep, regardless of their value, constitutes theft of property in the second degree.

"(g) Notwithstanding subsection (a), the theft of property which exceeds one hundred dollars (\$100) in value but does not exceed one thousand dollars (\$1,000) in value, and which is not taken from the person of another, where the defendant has previously been convicted of a theft of property in the first or second degree, constitutes theft of property in the second degree."

Section 2. Section 13A-8-5, Code of Alabama 1975, is amended to read as follows:

"§13A-8-5.

"(a) ~~The Except as provided in subsection (g) of Section 13A-8-4, the theft of property which does not exceed \$100.00~~ two hundred fifty dollars (\$250) in value and which is not taken from the person of another ~~or the theft of property which does not exceed \$25.00 in value if taken from or in a building where said property is sold or stored~~ constitutes theft of property in the third degree.

"(b) Theft of property in the third degree is a Class A misdemeanor."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rockhold, Rogers (F), Sanderford,

Smith (R), Spratt, Starkey, Turner, Turnham, Walker, Williams, Willis and Zoghby.

-77

And the bill, S. 26, as amended, was read a third time at length and passed.

Yeas 67; Nays 16.

Yea:

Representatives Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Escott-Russell, Flowers, Ford, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rogers (F), Sanderford, Spratt, Starkey, Turnham, Venable, Walker, Williams and Willis.

-67

Nay:

Representatives Anderson, Biddle, Carns, Dolbare, Gaston, Hall, Holley, Johnson, Kvalheim, Payne, Rockhold, Smith (C), Smith (R), Turner, Warren and Zoghby.

-16

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Box offered the motion to reconsider the vote by which the bill, S. 26, as amended, was passed, and the motion to reconsider was adopted.

And the bill, S. 26, as amended, was again read a third time at length and passed.

Yeas 64; Nays 19.

Yea:

Representatives Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clay,

Collins, Crow, Cullins, Curry, Escott-Russell, Flowers, Ford, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Parker (P), Parker (T), Penry, Powell, Rogers (F), Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Williams and Willis.

-64

Nay:

Representatives Anderson, Biddle, Carns, Dolbare, Gaston, Hall, Hamilton, Hawkins, Holley, Johnson, Knight, Kvalheim, Payne, Petelos, Rockhold, Smith (C), Turner, Warren and Zoghby.

-19

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Box to suspend the rules in order to take up out of order the bill, S. 16, was lost, lacking a four-fifths vote.

Yeas 66; Nays 19.

Yea:

Representatives Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Gaines, Goodwin, Grayson, Gullatt, Hammett, Haney, Harper, Harvey, Higginbotham, Hogan, Holladay, Holmes, Hooper, Kennedy, Laird, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (D), Parker (P), Parker (T), Penry, Perdue, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker and Willis.

-66

Nay:

Representatives Anderson, Biddle, Bugg, Gaston, Hall, Hamilton, Hawkins, Holley, Johnson, Knight, Kvalheim, Mathis, Payne, Poole, Rockhold, Rogers (J), Turner, Warren and Zoghby.

-19

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Box, the rules were suspended in order to take up out of order the bill, S. 20.

Yeas 81; Nays 8.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Turnham, Venable, Walker, Warren and Willis.

-81

Nay:

Representatives Bowling, Bugg, Gaston, Kvalheim, Layson, Rockhold, Turner and Zoghby.

- 8

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 90. MOURNING THE DEATH OF THOMAS L. GRIFFITH OF ANDALUSIA, ALABAMA.

S. 36 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 36, from the Standing Committee on State Administration to the Standing Committee on Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 91. COMMENDING JEAN QUARLES MARY FOR DISTINGUISHED SERVICE TO TROY STATE UNIVERSITY.

Also:

By Representative Hammett:

H.R. 92. MOURNING THE DEATH OF SUSAN JEANEACE KIRKLAND.

S. 20 TAKEN UP

And the bill:

S. 20. (With Substitute): To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 14-8-6 of the Code of Alabama 1975, is amended to read as follows:

"§14-8-6.

"The employer of an inmate involved in work release shall pay the inmate's wages directly to the department of corrections. The department may adopt regulations concerning the disbursement of any earnings of the inmates involved in work release. The department is authorized to withhold from an inmate's earnings ~~such~~ the cost incident to the inmate's confinement as the department shall deem appropriate and reasonable; ~~however, in~~ in no event shall said the withheld earnings exceed 25 40 percent of the earnings of the inmate. After all expenses have been deducted by the department, the remainder of the inmate's earnings shall be credited to his or her account with the department. Upon his or her release all moneys being held by the department shall be paid over to the inmate."

Section 2. The net revenues generated by this act are appropriated for the fiscal year ending September 30, 1993 to the Department of Corrections and are supplemental to any and all other prior or subsequent appropriations made.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Holmes to indefinitely postpone the bill, S. 20, and the pending committee substitute was lost.

Yeas 9; Nays 52.

Yea:

Representatives Bryant, Buskey (JE), Gaston, Grayson, Kennedy, Kvalheim, Layson, Rockhold and Zoghby.

- 9

Nay:

Representatives Biddle, Black (L), Blakeney, Box, Butler, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Hall, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Laird, Letson, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Walker and Willis.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, and the committee substitute was adopted.

Yeas 62; Nays 8.

Yea:

Representatives Anderson, Biddle, Black (L), Blakeney, Box, Bryant, Butler, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Walker and Willis.

-62

Nay:

Representatives Bugg, Gaston, Grayson, Kvalheim, Petelos, Rockhold, Rogers (J) and Zoghby.

- 8

And the bill, S. 20, as amended, was read a third time at length and passed.

Yeas 65; Nays 14.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Blakeney, Box, Buskey (JL), Butler, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Laird, Letson, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Williams and Willis.

-65

Nay:

Representatives Bryant, Bugg, Buskey (JE), Clark (W), Gaston, Grayson, Kennedy, Kvalheim, Layson, McClain, Petelos, Rockhold, Rogers (J) and Zoghby.

-14

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 2. Relating to Madison County; to abolish the office of constable provided for in each election precinct.

Also:

H. 7. Relating to Coffee County; to provide further for the compensation of election officers; and to repeal Act No. 132, H. 156, 1978 Second Special Session (Acts of Alabama 1978, p. 1861).

Also:

H. 38. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

Also:

H. 43. Relating to Crenshaw County; providing further for the compensation of poll workers.

Also:

H. 57. Relating to Covington County; providing for an additional expense allowance, payable from county funds, for election officials who work at polling places in the county; and repealing Act No. 439, H. 914 of the 1976 Regular Session (Acts 1976, p. 540), entitled "Relating to counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds."

Also:

H. 91. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

Also:

H. 92. Relating to Baldwin County; providing. further for the compensation of poll workers payable from the county general fund.

Also:

H.J.R. 69. MOURNING THE DEATH OF ESTELL EZELL OF LISMAN, ALABAMA.

Also:

H.J.R. 71. EXPRESSING APPRECIATION TO MR. HOWARD BRONSON, JR., AND THE MOBILE REGISTER.

Also:

H.J.R. 83. COMMENDING ELDER PHILLIP GARDNER OF MASON MEMORIAL TEMPLE, COGIC, MOBILE, ALABAMA.

Also:

H.J.R. 84. MOURNING THE DEATH OF ROBERT DABNEY SMILEY, JR., OF MONTGOMERY, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Morrow:

H.R. 93. COMMENDING ROSALYN FABIANKE OF RED BAY, ALABAMA.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Box to suspend the rules in order to take up out of order the bill, S. 50, was lost, lacking a four-fifths vote.

Yeas 65; Nays 18.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Powell, Rogers (F), Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Williams and Willis.

-65

Nay:

Representatives Biddle, Bugg, Butler, Gaston, Hall, Harvey, Hawkins, Holley, Johnson, Knight, Kvalheim, Morrow, Payne, Poole, Rockhold, Smith (C), Turner and Zoghby.

-18

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Box, the rules were suspended in order to take up out of order the bill, S. 21.

And the bill:

S. 21. (With Amendment): To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend S. 21 on Page 1, Line 31, after the word "exceed" by striking the following word: fifteen and substituting in lieu thereof the following word" five

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-83

And the bill, S. 21, as amended, was read a third time at length and passed.

Yeas 67; Nays 17.

Yea:

Representatives Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Petelos, Powell, Richardson, Rogers (F), Sanderford, Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Williams and Willis.

-67

Nay:

Representatives Biddle, Carns, Dolbare, Gaston, Hall, Hawkins, Holley, Johnson, Kvalheim, Layson, Morrow, Payne, Poole, Rockhold, Turner, Warren and Zoghby.

-17

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Box, the rules were suspended in order to take up out of order the bill, S. 2.

Yeas 68; Nays 15.

Yea:

Representatives Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hammett, Haney, Harper, Harvey, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Powell, Richardson, Rogers (F), Sanderford, Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams and Willis.

-68

Nay:

Representatives Carns, Gaston, Hall, Hawkins, Holley, Johnson, Kvalheim, Layson, Morrow, Payne, Poole, Rockhold, Smith (C), Turner and Zoghby.

-15

And the bill:

S. 2. (With Amendments): To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows: Amend S. 2 on Page 2, Section 1, Line 8, after the word "Association;" by adding the following language: the President of the Alabama Lawyers' Association;

Also, on Page 1, Line 33, after the word "Courts;" insert the following language: a designee of

Also, Page 1, Line 34, after the word "Association" insert the following language: who shall be a minority circuit judge

Also, on Page 1, Line 34, after the ";," insert the following language: a designee of

Also, on Page 1, Line 35, after the word "Association" by inserting the following language: who shall be a minority district judge

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-79

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend S. 2 on Page 4, Line 15, by deleting Section 7 in its entirety and insert the following:

Section 7. In the event funds are appropriated by the Legislature for the Alabama Criminal Justice System Council on Crime and Punishment or any grants or other assistance are received by the council, then the expenses of the members and all other expenses, including compensation of any persons, secretaries, experts, and consultants may be paid out of the funds appropriated or from any grants or other assistance received as directed by the chair with approval of the council.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 77; Nays 7.

Yea:

Representatives Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Harper, Harvey, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-77

Nay:

Representatives Carns, Hall, Holley, Knight, McDaniel, Morrow and Petelos.

- 7

And the bill, S. 2, as amended, was read a third time at length and passed.

Yeas 63; Nays 24.

Yea:

Representatives Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Goodwin, Grayson, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hogan, Hooper, Kennedy, Laird, Letson, Lindsey, Mathis, McClain, McDowell, McKee, Melton, Mikell, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Spratt, Starkey, Turnham, Venable, Walker, Warren, White and Willis.

-63

Nay:

Representatives Biddle, Bugg, Butler, Carns, Collins, Gaines, Gaston, Gullatt, Hall, Hamilton, Holley, Johnson, Kvalheim, Layson, McDaniel, Morrow, Payne, Petelos, Poole, Rockhold, Smith (C), Smith (R), Turner and Zoghby.

-24

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Box, the rules were suspended in order to take up out of order the bill, S. 25.

Yeas 73; Nays 14.

Yea:

Representatives Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holmes, Hooper, Kennedy, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White and Willis.

-73

Nay:

Representatives Anderson, Carns, Gaston, Hawkins, Johnson, Kvalheim, McMillan, Morrow, Petelos, Poole, Rockhold, Smith (C), Turner and Zoghby.

-14

And the bill:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

was taken up.

AMENDMENT OFFERED

Representative Box offered the following amendment to the bill, S. 25:

On page 1, in the Synopsis, after line 27, insert the following language: This bill would permit sentencing courts to place inmates, who have been incarcerated for certain periods and who become 65 years of age or older during the period of incarceration, on supervised probation. The placement of the inmate on supervised probation would be at the discretion of the sentencing court and would occur only after a hearing at which the victim or a representative of the victim was given an opportunity to be heard.

On page 3, after line 6, insert the following language: Notwithstanding the foregoing, when an inmate who becomes 65 years of age and has been imprisoned 20 years under this subsection, the inmate may petition the sentencing court to allow the remainder of the sentence, or any portion thereof, to be served on supervised probation. If so ordered by the sentencing court, a psychological evaluation shall be held. A hearing shall be held by the sentencing court and the victims or their representatives, if available, shall be notified and given an opportunity to be heard at the hearing.

On page 4, after line 6, insert the following language: Notwithstanding the foregoing, when an inmate becomes 65 years of age and has been imprisoned 10 years under subdivision (1), fifteen years under subdivision (2), or 20 years under subdivision (3), (4), or (5) of this subsection, the inmate may petition the sentencing court to permit the remainder of the sentence, or any portion thereof, to be served on supervised probation. If so ordered by the sentencing court, a psychological evaluation shall be held. A hearing shall be held by the sentencing court, and the victims or their representatives, if available, shall be notified and given an opportunity to be heard at the hearing.

AMENDMENT TABLED

On motion of Representative Buskey (JE), the amendment offered by Representative Box to the bill, S. 25, was tabled.

Yeas 70; Nays 5.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Cullins, Dolbare, Drake, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Venable, Williams and Zoghby.

-70

Nay:

Representatives Box, Flowers, Turner, Turnham and Warren.

- 5

And the bill, S. 25, was read a third time at length and passed.

Yeas 60; Nays 32.

Yea:

Representatives Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Drake, Escott-Russell, Flowers, Freeman, Goodwin, Grayson, Hamilton, Hammett, Haney, Harvey, Higginbotham, Hogan, Holladay, Holmes, Kennedy, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Spratt, Starkey, Thomas, Turnham, Walker, White, Williams and Willis.

-60

Nay:

Representatives Anderson, Biddle, Carns, Collins, Cosby, Dolbare, Fuller, Gaines, Gaston, Gullatt, Hall, Hawkins, Haynes, Hill, Holley, Johnson, Kvalheim, Layson, Mikell, Millican, Morrow, Payne, Penry, Petelos, Poole, Rockhold, Smith (C), Smith (R), Turner, Venable, Warren and Zoghby.

-32

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Buskey (JE), the rules were suspended in order to take up out of order the bill, S. 46.

And the bill:

S. 46. (With Amendment): To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend S. 46 on Page 1 by deleting lines 26 and 27 in their entirety and inserting in lieu thereof the following: "hundred thirty-three thousand nine hundred twenty two dollars (\$833,922), out of funds in the Alabama Special".

Further amend the bill on page 2, line 9 by deleting the figure "90,063" and inserting in lieu thereof the figure "50,000".

AMENDMENT TABLED

On motion of Representative Buskey (JE), the committee amendment was tabled.

Yeas 69; Nays 7.

Yea:

Representatives Barnes, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Fuller, Gaston, Goodwin, Hammett, Haney, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (T), Perdue, Powell, Richardson, Rockhold, Rogers (J), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-69

Nay:

Representatives Biddle, Carns, Freeman, Hall, Hawkins, McKee and Payne.

- 7

And the bill, S. 46, was read a third time at length and passed.

Yeas 86; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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S. 42 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 42, from the Standing Committee on Ways and Means to the Standing Committee on Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the House non-concurred in the Senate amendment to the bill, H. 63, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend H. 63 by placing a comma after the word "fees" on page 2, line 14 and adding after such comma and before the word "for" on page 2, line 14 the following: "annually not to exceed \$50.00 on each residence and \$100.00 on each business located within the county,"

Further Amend H. 63 by striking all of that portion of Section 1 beginning with the word "which" on page 2, line 15 through the word "and" on page 2, line 16 and substituting in lieu thereof the words "such local law."

Yeas 78; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Blakeney, Bryant, Bugg, Buskey (JL), Cagle, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins,

Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Venable, Mikell and McMillan.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust

fund and to provide for the administration of the fund and the distribution of money in said fund.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the House concurred in and adopted the Senate amendment to the bill, H. 76, said Senate amendment being as follows:

To amend House Bill 76 on page 3 by deleting lines 21 and 22 in their entirety and inserting in lieu thereof the following:

" (a) In addition to all other fees levied, and collected prior to the effective date of this act,".

Amend House Bill 76 on Page 13, Line 17, by adding a new Section 9 as follows and re-numbering all remaining sections:

"Section 9. In addition to all other fees levied herein, there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste or hazardous substances in the amount of \$1.00 per ton on all wastes or substances disposed of at such site, to be deposited and allocated specifically to the Alabama Hazardous Substance Cleanup Fund established by Act No. 88-859, Acts of Alabama, 1988 and codified at §22-30A-1 et seq Code of Alabama 1975, such money to be used for the specific purposes as expressed therein."

Yeas 95; Nays 4.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell,

Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-95

Nay:

Representatives Black (L), Fuller, Hall and Holley.

- 4

RESOLUTION

The following resolution was introduced:

By Representative Haynes:

H.J.R. 94. EXPRESSING LEGISLATIVE INTENT OF ACT NO. 92-498, H. 807, 1992 REGULAR SESSION.

WHEREAS, Act No. 92-498, H. 807, 1992 Regular Session, was approved May 15, 1992; and

WHEREAS, Act No. 92-498 purported to amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session; and

WHEREAS, Act No. 92-498 actually amended Section 4 of Act No. 87-423, H. 882, 1987 Regular Session, relating to the civil service system of the City of Talladega; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Legislature in the enactment of Act No. 92-498, H. 807, to amend Section 4 of Act No. 87-423, H. 882, 1987 Regular Session.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 94, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Petelos to suspend the rules in order to take up out of order the bill, H. 107, was lost.

Yeas 32; Nays 32.

Yea:

Representatives Biddle, Bugg, Carns, Collins, Cosby, Curry, Escott-Russell, Gaines, Haney, Harvey, Hawkins, Hill, Hooper, Knight, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morton, Newton (D), Payne, Penry, Perdue, Petelos, Rogers (J), Sanderford, Smith (R), Spratt, Turnham and Warren.

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Nay:

Representatives Anderson, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Crow, Cullins, Dolbare, Gaston, Goodwin, Grayson, Haynes, Holmes, Johnson, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, Parker (T), Poole, Powell, Rockhold, Smith (C), Thomas, Venable, Walker, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Cullins, the rules were suspended in order to take up out of order the bill, H. 95.

Yeas 66; Nays 0.

Yea:

Representatives Barnes, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Goodwin, Haney, Harvey, Hawkins, Haynes, Hill, Holladay, Holmes, Johnson, Knight, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White and Willis.

-66

And the bill:

H. 95. To amend Section 16-25-11.5, Code of Alabama 1975, to reopen the Teachers' Retirement System until a certain date for certain support personnel to purchase certain credit in the system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 76. To amend section 22-30B-2 of the Code of Alabama 1975, to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing an additional fee of \$72.00 per ton to be paid by operators of commercial hazardous waste disposal sites for certain waste or substances disposed of at such sites effective July 15, 1990, until April 30, 1992 and after the effective date of this act various rates per ton depending on the type of waste generated; to amend section 22-30B-2.1, relating to the payment of certain fees and guarantees to certain counties, so as to provide further for the allocation of the new fee and payment of the guarantee and the reimbursement of the guarantee by the county; to amend section 22-30B-2.2, relating to the payment of certain fees to the Alabama Public Health Finance Authority, so as to provide further for the allocation of the new fee to said authority; to amend section 22-30B-4 to consolidate and provide for certain county fees and to provide for their collection by the counties; to repeal section 22-30B-2.3 relating to limitation of volume of wastes annually disposed of at commercial hazardous waste disposal facilities; to amend section 22-30B-13 to provide further for a credit on the additional fee assessed on hazardous waste generated in Alabama from July 15, 1990 to April 30, 1992; to place a volume limit on certain hazardous waste or substances that may be disposed at certain facilities and to prohibit the disposal of "household waste" at such facilities and to provide for emergency waivers of volume limitation; and to establish and to fund an environmental research trust

fund and to provide for the administration of the fund and the distribution of money in said fund.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:08 P.M. on September 29, 1992.

H.J.R. 36	H. 91
H.J.R. 46	H. 92
H. 2	H.J.R. 69
H. 7	H.J.R. 71
H. 38	H.J.R. 83
H. 43	H.J.R. 84
H. 57	

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holmes, the House adjourned until 10:00 o'clock a.m., Wednesday, September 30, 1992.

SIXTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, September 30, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend John Ed Mathison, Frazier Memorial Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Leslie Allen, 6th Grade, Trinity School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fifth legislative day was approved.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative McMillan:

H.R. 95. MOURNING THE DEATH OF JOHN CHASON OF BAY MINETTE, ALABAMA.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

H. 119. To amend Section 41-23-24, Code of Alabama 1975, to provide further for the use of certain enterprise zone income tax credits for certain business entities.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 19. (With Amendment): Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Lipscomb:

S.J.R. 16. MOURNING THE DEATH OF THE REVEREND PAUL WAYNE MARTIN.

Also:

By Senators Little and Foshee:

S.J.R. 17. MOURNING THE DEATH OF ANDREW S. FLOYD OF ANDALUSIA, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative McMillan, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 22. MOURNING THE DEATH OF ZORA ELMA LANSDELL CAMPBELL OF TOWN CREEK, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 22, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bennett:

S.J.R. 23. COMMENDING ARNOLD N. BURGESS AFTER THREE TERMS AS MAYOR OF MIDFIELD.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Petelos, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 23, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Smith (J):

S.J.R. 18. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

WHEREAS, it was the intent of the legislature in passing Act 91-657 to give a "distinctive" license plate to any winner of the Purple Heart Medal, and

WHEREAS, the sponsor of the bill displayed the design of the distinctive tag to the other members of the legislature during debate on said act, and

WHEREAS, the State Revenue Department has not begun production of said distinctive plate, and

WHEREAS, the State Revenue Department has indicated they would like to have a clearer indication of legislative intent on this issue,

THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That it was the intent of the legislature in passing Act 91-657 that winners of the Purple Heart Medal be issued a distinctive license plate emphasizing that the bearer of said license plate has indeed won the Purple Heart Medal.

BE IT FURTHER RESOLVED, That the State Finance Department and the Department of Corrections use the design that has previously been transmitted to

them by the Alabama Chapter, Military Order of the Purple Heart.

BE IT FURTHER RESOLVED, That since most of the recipients of the Purple Heart Medal are now senior citizens, the State Finance Department and the Department of Corrections commence production and distribution of the distinctive tag as soon as is conceivably possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the State Finance Director and the Director of the Department of Corrections.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 18, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 15. RELATIVE TO MEETING DAYS.

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that when the two houses adjourn today they agree to convene again on Tuesday, Sept. 29.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 15, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Penry, the House concurred in and adopted the Senate amendment to the bill, H. 100, said Senate amendment being as follows:

Amend H. 100, on page 2, Section 2, line 10 by deleting "40" and inserting in lieu thereof "20"

Amend House Bill No. 100 Page 7 Line 18, as follows:

Delete the entire Section 12 on lines 18 through lines 24 and renumber subsequent sections.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Blakeney, Box, Bryant, Bugg, Butler, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Flowers, Fuller, Gaines, Gaston, Hall, Hawkins, Haynes, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morrow,

Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Barnes, the rules were suspended in order to take up out of order the bill, H. 11.

And the bill:

H. 11. To amend Section 14-9-41 of the Code of Alabama 1975, as amended by Act No. 91-637, H. 194 of the 1991 Regular Session which relates to the computation of incentive time deductions; to continue the application of correctional incentive time while the inmate is on parole; and to authorize the Board of Pardons and Paroles to restore certain forfeited incentive time.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 28.

Yea:

Representatives Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JL), Cagle, Campbell, Carothers, Clay, Crow, Cullins, Dolbare, Gullatt, Hammett, Haynes, Hogan, Holladay, Holmes, Johnson, Kennedy, Mathis, McClain, Melton, Mikell, Newton (C), Newton (D), Perdue, Richardson, Rogers (F), Spratt, Starkey, Thomas, Venable and Willis.

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Nay:

Representatives Biddle, Bugg, Carns, Collins, Cosby, Flowers, Fuller, Gaines, Gaston, Hall, Harvey, Hill, Holley, Knight, Kvalheim, Layson, McKee, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Rockhold, Sanderford, Smith (C), Turnham and Zoghby.

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LEAVE OF ABSENCE

At the request of Representative Gaines, leave of absence was granted for Representative Sanderson.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Freeman, the rules were suspended in order to take up out of order the bill, S. 22.

And the bill:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

was taken up.

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, S. 22:

Amend Senate Bill No. 22, on Page 2, Line 3, as follows:

Delete the word "evidence" and substitute in lieu thereof the following:
evidences

Further amend Senate Bill No. 22, Page 2, Line 9, as follows:

After the word "fear" insert a period and delete the remainder of the sentence on Lines 9 and 10.

Further amend Senate Bill 22, Page 2, Line 13, as follows:

After the word "person" add the following: , or interferes with the freedom of movement of that person

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 10.

Yea:

Representatives Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Flowers, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, Melton, Mikell,

Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (R), Spratt, Starkey, Turner, Venable, Walker, Warren, Willis and Zoghby.

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Nay:

Representatives Carter, Clay, Ford, Freeman, Kennedy, Millican, Morrow, Newton (D), Parker (P) and Smith (C).

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And the bill, S. 22, as amended, was read a third time at length and passed.

Yeas 86; Nays 0.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clay:

H.R. 96. MOURNING THE DEATH OF THE REVEREND RAYMOND FRANCIS HARVEY OF TUSKEGEE, ALABAMA.

Also:

The following resolution was introduced:

By Representative Holley:

H.J.R. 97. STATE DOCKS AUDIT

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the State Auditor make an assessment of the financial records of the State Docks for the fiscal year ending September 30, 1992, including the amount of profit or loss, if any, and report such information to the Legislature by January 4, 1993.

MOTION TO SUSPEND RULES AND ADOPT

Representative Holley offered the motion to suspend the rules and adopt the resolution, H.J.R. 97.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Holley to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 97, and the motion was adopted.

RESOLUTION ADOPTED

On motion of Representative Holley, the resolution, H.J.R. 97, was adopted.

Yeas 50; Nays 23.

Yea:

Representatives Anderson, Black (L), Bowling, Bryant, Bugg, Buskey (JL), Butler, Cagle, Carter, Clay, Collins, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gullatt, Hall, Hammett, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Laird, Letson, Mathis, McClain, McDowell, Millican, Morrow, Newton (D), Parker (P), Perdue, Poole, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Warren, White and Willis.

Nay:

Representatives Clark (W), Curry, Gaines, Gaston, Hamilton, Haney, Hawkins, Hooper, Kennedy, Knight, Kvalheim, McDaniel, McKee, McMillan, Mikell, Morton, Penry, Petelos, Powell, Rockhold, Sanderford, Smith (R) and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Rockhold, the rules were suspended in order to take up out of order the bill, H. 73.

Yeas 61; Nays 13.

Yea:

Representatives Anderson, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Crow, Cullins, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

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Nay:

Representatives Collins, Curry, Gaines, Higginbotham, Hill, Knight, McDaniel, McKee, McMillan, Penry, Petelos, Richardson and Sanderford.

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And the bill:

H. 73. To amend Sections 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing as Sections 9-11-53.1 and 9-11-53.2 of the supplement to the Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

was taken up.

SUBSTITUTE OFFERED

Representative Penry offered the following substitute #1 to the bill, H. 73:

To provide for certain fishing licenses; to amend Section 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session so as to make certain clarifications in language and to further provide for fees; to provide for a resident 7-day trip saltwater fishing license; to provide for a resident 7-day trip freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55 Code of Alabama 1975, so as to provide for nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for the sale of a combination saltwater-freshwater nonresident annual license; to amend Section 9-11-56, Code of Alabama 1975, so as to provide for a 7-day trip nonresident freshwater fishing license; to provide for a nonresident 7-day trip saltwater fishing license; and to provide for the expiration date for the license provided for in Section 6 hereof.

SUBSTITUTE TABLED

On motion of Representative Blakeney, the substitute #1 offered by Representative Penry to the bill, H. 73, was tabled.

Yeas 36; Nays 28.

Yea:

Representatives Anderson, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JL), Cagle, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Gullatt, Hall, Haney, Hogan, Kvalheim, Laird, Layson, Letson, McDaniel, Mikell, Millican, Morrow, Parker (P), Parker (T), Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt and Zoghby.

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Nay:

Representatives Barnes, Beasley, Biddle, Carns, Carothers, Clay, Collins, Cosby, Hammett, Hawkins, Higginbotham, Hill, Johnson, Knight, Mathis, McClain, McDowell, McMillan, Newton (C), Newton (D), Payne, Penry, Petelos, Powell, Richardson, Thomas, Turner and Warren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

MCDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 100. Relating to Baldwin County; to define a coroner's investigation; to provide for qualifications and training; to limit coroners' investigations; to provide the types of deaths the coroner shall investigate; to provide instances when postmortem examination and autopsies shall be performed by a state medical examiner; to provide for the taking charge of certain bodies and the authority to remove certain evidence from the body; to provide for the certification of certain deaths; to provide for the review of pertinent medical records and the power to subpoena said records; to require the reporting of deaths to the coroner and to prohibit altering a body or evidence; to provide for notification of next of kin and accounting for personal effects; to provide for the costs of assistance; to exempt the Baldwin County Coroner and state medical examiners from certain liability; to provide for the admission of reports into evidence; and to provide that this act shall not apply in certain instances.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Corbett, Langford, and Bennett.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate Bill:

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S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 94. EXPRESSING LEGISLATIVE INTENT OF ACT NO. 92-498, H. 807, 1992 REGULAR SESSION.

MCDOWELL LEE
Secretary

RECESS

On motion of Representative Haynes, the House recessed until 12:00 o'clock Noon until 1:30 o'clock p.m.

Yeas 53; Nays 23.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey (JL), Carns, Carothers, Clay, Cosby, Crow, Cullins, Dolbare, Flowers, Gaines, Goodwin, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Holley, Holmes, Johnson, Kennedy, Laird, Layson, Lindsey, Mathis, McClain, McKee, Melton, Mikell, Morrow, Morton, Newton (C), Payne, Petelos, Rogers (F), Sanderford, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, White and Williams.

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Nay:

Representatives Box, Bugg, Cagle, Collins, Freeman, Gaston, Gullatt, Hall, Hammett, Hill, Hogan, Holladay, Hooper, Knight, Kvalheim, Letson, McDowell, Powell, Richardson, Rockhold, Rogers (J), Smith (C) and Zoghby.

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HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 73 RESUMED

SUBSTITUTE OFFERED

Representative Penry offered the following substitute #2 to the bill, H. 73:

To provide for certain fishing licenses; to amend Section 1 and 3 of Act No. 92-344, H. 392, 1992 Regular Session so as to make certain clarifications in language and to further provide for fees; to provide for a resident 7-day trip saltwater fishing license; to provide for a resident 7-day trip freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55 Code of Alabama 1975, so as to provide for nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for the sale of a combination saltwater-freshwater nonresident annual license; to amend Section 9-11-56, Code of Alabama 1975, so as to provide for a 7-day trip nonresident freshwater fishing license; to provide for a nonresident 7-day trip saltwater fishing license; and to provide for the expiration date for the license provided for in Section 6 hereof.

MOTION TO TABLE LOST

The motion offered by Representative Rogers (F) to table the substitute #2 offered by Representative Penry to the bill, H. 73, was lost.

Yeas 34; Nays 44.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Clark (W), Cullins, Dolbare, Escott-Russell, Flowers, Gullatt, Hall, Haney, Holmes, Kennedy, Letson, Melton, Millican, Newton (D), Parker (P), Parker (T), Perdue, Poole, Rockhold, Rogers (F), Smith (C), Spratt, Turnham, Warren, White and Zoghby.

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Nay:

Representatives Beasley, Biddle, Bowling, Campbell, Carns, Carothers, Collins, Cosby, Crow, Curry, Freeman, Gaines, Gaston, Hamilton, Hammett, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird,

Layson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Payne, Penry, Petelos, Richardson, Sanderford, Starkey, Turner, Venable, Walker and Willis.

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MOTION IN WRITING LOST

Representative Letson offered the following Motion in Writing:

Mr. Speaker:

I move the previous question.

And the Motion in Writing was lost.

Yeas 26; Nays 48.

Yea:

Representatives Barnes, Blakeney, Bowling, Box, Bryant, Bugg, Campbell, Cullins, Dolbare, Escott-Russell, Freeman, Gullatt, Hall, Holladay, Holmes, Johnson, Layson, Letson, Melton, Millican, Rockhold, Rogers (F), Spratt, Walker, White and Zoghby.

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Nay:

Representatives Beasley, Biddle, Buskey (JE), Carns, Carothers, Carter, Collins, Cosby, Crow, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Kennedy, Kvalheim, Laird, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Richardson, Rogers (J), Sanderford, Starkey, Turner, Turnham, Venable and Willis.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Melton:

H.R. 98. COMMENDING THE RIGHT REVEREND RICHARD K. THOMPSON, PRESIDING BISHOP OF THE ALABAMA-FLORIDA DISTRICT OF A.M.E. ZION CHURCH.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolution, to-wit:

H. 66. Relating to Russell County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the distribution of the profits; and establishing the "Inmate Welfare Fund"; and providing for the distribution of funds.

Also:

H.J.R. 94. EXPRESSING LEGISLATIVE INTENT OF ACT NO. 92-498, H. 807, 1992 REGULAR SESSION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL AND HOUSE JOINT RESOLUTION

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and the House Joint Resolution, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 87. COMMENDING ASTRONAUT JAN DAVIS OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 88. COMMENDING DR. REXFORD KENNAMER FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND CONTRIBUTIONS TO THE MEDICAL PROFESSION.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 64. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657

Also:

H.J.R. 72. DESIGNATING THE STOCKTON HORSESHOE TOURNAMENT AS THE OFFICIAL CHAMPIONSHIP HORSESHOE TOURNAMENT FOR THE STATE OF ALABAMA.

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Also:

H.J.R. 77. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

Also:

H.J.R. 82. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

MCDOWELL LEE
Secretary

H. 73 RESUMED

MOTION TO TABLE LOST

The motion offered by Representative White to table the substitute #2 offered by Representative Penry to the bill, H. 73, was lost.

Yeas 43; Nays 43.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Clark (W), Cullins, Dolbare, Flowers, Goodwin, Gullatt, Hall, Haney, Higginbotham, Hogan, Holley, Holmes, Hooper, Kennedy, Layson, Letson, McDowell, Melton, Millican, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Turnham, Warren, White and Zoghby.

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Nay:

Representatives Beasley, Biddle, Bowling, Campbell, Carns, Carothers, Collins, Cosby, Crow, Curry, Fuller, Gaines, Gaston, Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Johnson, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Powell, Richardson, Sanderford, Smith (R), Starkey, Turner, Venable, Walker and Willis.

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SUBSTITUTE TABLED

On motion of Representative Rogers (J), the substitute #2 offered by Representative Penry to the bill, H. 73, was tabled.

Yeas 48; Nays 41.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Goodwin, Gullatt, Hall, Hamilton, Haney, Higginbotham, Hogan, Holley, Holmes, Kennedy, Layson, Letson, McClain, McDowell, Melton, Millican, Morrow, Parker (P), Parker (T), Poole, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Turnham, Warren, White, Willis and Zoghby.

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Nay:

Representatives Beasley, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Curry, Ford, Gaines, Gaston, Hammett, Harper, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Powell, Richardson, Sanderford, Smith (R), Starkey, Thomas, Turner and Venable.

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And the bill, H. 73, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 22.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Clark (W), Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Layson, Letson, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Petelos, Poole, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Beasley, Campbell, Carns, Carothers, Carter, Collins, Ford, Gaines, Hamilton, Haney, Harper, Hawkins, Haynes, Johnson, Laird, Mathis, McKee, Newton (C), Payne, Penry, Richardson and Turner.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 12. Relating to Butler County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer; and prescribing certain regulations relating to county vehicles.

Also:

S. 13. Relating to Barbour County; creating and establishing a personnel system for the county under a personnel board; and providing for the composition, powers, duties, functions, and expenses of the board and for the selection and compensation of its members.

Also:

S. 15. Relating to Crenshaw County; providing further for the compensation of poll workers.

Also:

S. 52. To amend Section 6-10-7 of the Code of Alabama 1975, to allow a garnishee to make payments of proceeds retained in accordance to a writ of garnishment as the proceeds are received and to allow the court upon written request of the plaintiff to distribute the funds to the plaintiff or plaintiff's attorney, and to provide that this amendment shall be retroactive to June 10, 1975.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 26. To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property to constitute theft of property in the second or third degree.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 2. To create the Alabama Criminal Justice System Council on Crime and Punishment to continuously monitor the Criminal Justice System of Alabama, the prison population, and make recommendations to the Legislature; to provide for the membership of the council; and to specifically repeal Sections 41-9-570, 41-9-571, 41-9-572, 41-9-573, and 41-9-574 of the Code of Alabama 1975.

Also:

S. 20. To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

Also:

S. 21. To amend Section 15-22-54 of the Code of Alabama 1975, relating to revocation or modification of probation or a suspension of the execution of sentence.

Also:

S. 22. To define the crime of stalking and the crime of aggravated stalking; to define terms; and to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed by them.

Also:

S. 25. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Also:

S. 46. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 16. MOURNING THE DEATH OF THE REVEREND PAUL WAYNE MARTIN.

Also:

S.J.R. 17. MOURNING THE DEATH OF ANDREW S. FLOYD OF ANDALUSIA, ALABAMA.

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Also:

S.J.R. 18. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657.

Also:

S.J.R. 22. MOURNING THE DEATH OF ZORA ELMA LANSDELL
CAMPBELL OF TOWN CREEK, ALABAMA.

Also:

S.J.R. 23. COMMENDING ARNOLD N. BURGESS AFTER THREE TERMS
AS MAYOR OF MIDFIELD.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 63

The Committee of Conferees appointed to reconcile the differences between the two houses concerning House Bill 63 have met, considered the matter, and agreed to the following:

Amendment to H. 63 is attached.

MIKE MIKELL
JACK B. VENABLE
STEPHEN A. MCMILLAN

CONFEREES OF THE HOUSE

CHARLES D. LANGFORD
JIM BENNETT
DANNY CORBETT

CONFEREES OF THE SENATE

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Amend H. 63 by placing a comma after the word "fees" on page 2, line 14 and adding after such comma and before the word "for" on page 2, line 14 the following: annually not to exceed \$25.00 on each residence and \$50.00 on each business located within the county,

Further amend H. 63 by striking all of that portion of Section 1 beginning with the word "which" on page 2, line 15 through the word "and" on page 2, line 16 and substituting in lieu thereof the words such local law

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Venable, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 63, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 79; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 70. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of

appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992. This bill provides that revenue accruing to the Alabama Special Educational Trust Fund in the fiscal year ending September 30, 1992 shall be used to reduce proration in that same fiscal year.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted the Senate amendment to the bill, H. 70, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and shall include any amounts subsequently allotted from the Alabama Special Educational Trust Fund pursuant to the 1.5% reduction in proration announced on September 29, 1992 for the fiscal year 1991-92 and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Intent.

It is the intent of the Legislature that any revenue accruing to the State General Fund in excess of that required to fund pending appropriations at the level allotted by the Department of Finance as of September 30, 1992 for the fiscal year ending September 30, 1992 shall be carried forward to the fiscal year beginning October 1, 1992. It is further the intent of the Legislature that these funds be available to ease fiscal constraints in the fiscal year ending September 30, 1993.

Section 2. It is the intent of the Legislature that any revenue accruing to the Alabama Special Educational Trust Fund in excess of that required to fund pending appropriations at the level allotted by the Department of Finance as of September 30, 1992 for the fiscal year ending September 30, 1992 and any amounts subsequently allotted pursuant to the 1.5% reduction in proration announced by the Governor on September 29, 1992 for the fiscal year 1991-92

shall be carried forward to the fiscal year beginning October 1, 1992.

Section 3. Any appropriation from the State General Fund or from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 to any agency, board, commission, department or other entity is hereby reduced to the above described levels as of September 30, 1992 by the Department of Finance.

Section 4. Any revenue accruing to the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 in excess of the amount required to cover the above amounts from those funds as of September 30, 1992 shall remain in the State General Fund and the Alabama Special Educational Trust Fund and shall be carried forward to be available for the fiscal year beginning October 1, 1992.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 96; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO ADJOURN OFFERED

Representative Holley offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, October 1, 1992.

SUBSTITUTE MOTION TO ADJOURN ADOPTED

Representative Hammett offered the substitute motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, October 1, 1992, and the substitute motion was adopted.

Yeas 51; Nays 35.

Yea:

Representatives Barnes, Biddle, Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gullatt, Hammett, Haney, Hawkins, Hill, Holladay, Holmes, Hooper, Knight, Laird, McClain, McDowell, McMillan, Melton, Morrow, Morton, Newton (D), Payne, Perdue, Petelos, Poole, Rogers (F), Rogers (J), Spratt, Turnham, Venable, Walker, Warren, Williams and Willis.

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Nay:

Representatives Beasley, Black (L), Butler, Carothers, Collins, Dolbare, Freeman, Gaston, Hall, Harper, Harvey, Haynes, Holley, Johnson, Kennedy, Kvalheim, Layson, Letson, Mathis, McDaniel, McKee, Mikell, Millican, Newton (C), Parker (P), Parker (T), Penry, Powell, Richardson, Sanderford, Smith (C), Starkey, Thomas, Turner and Zoghby.

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MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hooper to suspend the rules in order to take up out of order the bill, H. 33, was lost, lacking a four-fifths vote.

Yeas 62; Nays 21.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Blakeney, Bryant, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Flowers, Ford, Freeman, Fuller, Goodwin, Gullatt, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Laird, Layson, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representatives Barnes, Box, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (W), Escott-Russell, Gaston, Hall, Harper, Holmes, Kennedy, Kvalheim, Letson, McClain, Newton (D), Perdue, Rockhold, Rogers (J) and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the bill, S. 43.

And the bill:

S. 43. (With Amendment): To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 43 on page 1 by deleting lines 23 and 24 in their entirety and inserting in lieu thereof the following: "General Fund to the Military Department the sum of two hundred eighty thousand dollars (\$280,000) for the fiscal year ending".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 1.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Powell,

Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representative Knight.

- 1

And the bill, S. 43, as amended, was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 88. COMMENDING DR. REXFORD KENNAMER FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND CONTRIBUTIONS TO THE MEDICAL PROFESSION.

Also:

H.J.R. 87. COMMENDING ASTRONAUT JAN DAVIS OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 82. COMMENDING CAIN JAMES KENNEDY OF MOBILE, ALABAMA.

Also:

H.J.R. 77. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

Also:

H.J.R. 72. DESIGNATING THE STOCKTON HORSESHOE TOURNAMENT AS THE OFFICIAL CHAMPIONSHIP HORSESHOE TOURNAMENT FOR THE STATE OF ALABAMA.

Also:

H.J.R. 64. EXPRESSING LEGISLATIVE INTENT AS TO ACT 91-657

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Cosby intended to vote "Yea" on the passage of the bill, S. 43.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Higginbotham, the rules were suspended in order to take up out of order the bill, S. 80.

And the bill:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

was read a third time at length and passed.

Yeas 79; Nays 3.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Freeman, Hall and Holley.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Higginbotham, the rules were suspended in order to take up out of order the bill, H. 103.

And the bill:

H. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as contained in the 1991 Cumulative Supplement to certain volumes of the Code and in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code; and to make corrections in certain volumes of the cumulative supplement and the 1991 Replacement Volume 18.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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RESOLUTIONS

The following resolution was introduced:

By Representatives Knight, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 99. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, on Thursday, October 8, 1992, the University of Montevallo will celebrate its 96th Annual Founders Day by the inauguration of Dr. Robert M. McChesney as its 13th President; and

WHEREAS, the University has a unique role in Alabama higher education,

with its focus as a public liberal arts university, and historically has pioneered many Alabama education initiatives from its founding in 1896 as a public institution for women's education; and

WHEREAS, the University has had a long and distinguished line of educators who have served as President, and Dr. McChesney joins this line with an impressive record of academic and civic credentials and service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby extend our sincere congratulations and best wishes to Dr. Robert M. McChesney, his wife Laraine, the Board of Trustees, Faculty, Staff, Students, Alumni and friends of the University of Montevallo on the occasion of the inauguration of Dr. McChesney as the thirteenth President of the University.

BE IT FURTHER RESOLVED, That as a token of our respect, best wishes, and desire to work closely with Dr. McChesney and the University, a copy of this resolution shall be presented to him.

On motion of Representative Knight, the rules were suspended and the resolution, H.J.R. 99, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Knight, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 100. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended in order to take up out of order the bill, S. 53.

And the bill:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

was read a third time at length and passed.

Yeas 78; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended in order to take up out of order the bill, S. 54.

And the bill:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama 1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Holley, the rules were suspended in order to take up out of order the bill, S. 34.

And the bill:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543, enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

was read a third time at length and passed.

Yeas 84; Nays 6.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representatives Bugg, Campbell, Harvey, Hill, Rockhold and Zoghby.

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MOTION TO SUSPEND RULES LOST

The motion offered by Representative Letson to suspend the rules in order to take up out of order the bill, H. 33, was lost, lacking a four-fifths vote.

Yeas 70; Nays 18.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Goodwin, Gullatt, Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams and Willis.

-70

Nay:

Representatives Barnes, Box, Buskey (JE), Buskey (JL), Butler, Clark (W), Curry, Gaston, Harper, Holmes, Kennedy, Kvalheim, McClain, McDowell, Rockhold, Rogers (J), Spratt and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hogan, the rules were suspended in order to take up out of order the bill, S. 66.

And the bill:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson,

Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 70. To provide that all appropriations from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1992 shall be reduced to the level allotted from the fund as of September 30, 1992 by the Department of Finance and shall include any amounts subsequently allotted from the Alabama Special Educational Trust Fund pursuant to the 1.5% reduction in proration announced on September 29, 1992 for the fiscal year 1991-92 and provide that any revenue deposited into the State General Fund or the Alabama Special Educational Trust Fund in excess of the amount required to cover that level of appropriations from said funds shall be carried over to the fiscal year beginning October 1, 1992.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Dolbare, the rules were suspended in order to take up out of order the bill, H. 8.

And the bill:

H. 8. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Representatives Barnes, Biddle, Black (L), Bowling, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Layson, Letson, McClain, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Rogers (J), the rules were suspended in order to take up out of order the bill, S. 18.

Yeas 64; Nays 5.

Yea:

Representatives Barnes, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Laird, Lindsey, McClain, McDowell, McMillan, Melton, Morton, Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Starkey, Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-64

Nay:

Representatives Hall, Layson, Letson, Millican and Morrow.

S. 18 TEMPORARILY CARRIED OVER

On motion of Representative Rogers (J), the bill, S. 18, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ellis:

S.J.R. 27. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Gaines, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 27. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House concurred in and adopted the Senate amendment to the bill, H. 27, said Senate amendment being as follows:

Amend House Bill No. 27 Page 1 Line 30, as follows: After the period (.) Delete the sentence beginning with the word "It" and ending on line 33 with the word "feasible." and insert in lieu thereof the following: "The Easterling Correctional Facility in Barbour County shall be reopened no later than January 1, 1993; provided no additional personnel will be laid off from other correctional facilities."

Yeas 54; Nays 0.

Yea:

Representatives Barnes, Biddle, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Holmes, Johnson, Kennedy, Kvalheim, Laird, McClain, McDowell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Starkey, Turner, Venable, White, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 41. To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

MCDOWELL LEE
Secretary

SENATE MESSAGE**MOTION TO CONCUR OFFERED**

Representative Harper offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 41, said amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make supplemental appropriations from the State General Fund to the Alabama Mining Museum and to the Alabama Mining Academy for the fiscal year ending September 30, 1993

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the State General Fund to the Alabama Mining Museum the sum of fifty thousand dollars (\$50,000) for the fiscal year ending September 30, 1993. There is hereby appropriated from the State General Fund to the Alabama Mining Academy the sum of one hundred twenty-five thousand dollars (\$125,000) for the fiscal year ending September 30, 1993. The appropriations herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Mining Museum and to the Alabama Mining Academy.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION TO NON-CONCUR TABLED

On motion of Representative Harper, the substitute motion offered by Representative Laird that the House non-concur in the Senate amendment to the bill, H. 41, was tabled.

Yeas 48; Nays 4.

Yea:

Representatives Anderson, Barnes, Black (L), Bowling, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Clark (W), Collins, Cosby, Crow, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Hawkins, Hogan, Holmes, Hooper, Kennedy, Kvalheim, Letson, Lindsey, McClain, McDowell, Millican, Newton (D), Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Starkey, Venable, White, Willis and Zoghby.

Nay:

Representatives Dolbare, Laird, McKee and Walker.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO CONCUR ADOPTED

The question was then on the motion offered by Representative Harper that the House concur in and adopt the Senate amendment to the bill, H. 41, and the motion to concur was adopted.

Yeas 66; Nays 2.

Yea:

Representatives Barnes, Biddle, Black (L), Bowling, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Escott-Russell, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-66

Nay:

Representatives Dolbare and Laird.

- 2

S. 18 TAKEN UP

And the bill:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

was read a third time at length and passed.

Yeas 76; Nays 2.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Morrow, Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Butler and Hall.

- 2

MOTION TO SUSPEND RULES OFFERED

Representative Blakeney offered the motion to suspend the rules in order to take up out of order the bill, H. 33.

MOTION TO ADJOURN LOST

The motion offered by Representative Buskey (JE) that the House adjourn until 10:00 o'clock a.m., Thursday, October 1, 1992, was lost.

Yeas 21; Nays 59.

Yea:

Representatives Barnes, Black (M), Buskey (JE), Buskey (JL), Carter, Clark (W), Curry, Escott-Russell, Flowers, Ford, Holmes, McClain, McDowell, Morton, Parker (T), Perdue, Petelos, Rogers (J), Starkey, White and Zoghby.

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Nay:

Representatives Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Butler, Cagle, Carns, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Letson, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Parker (P), Payne, Penry, Poole, Powell, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turner, Venable, Walker, Warren, Williams and Willis.

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MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Blakeney to suspend the rules in order to take up out of order the bill, H. 33, and the motion was lost, lacking a four-fifths vote.

Yeas 63; Nays 22.

Yea:

Representatives Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Bugg, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Flowers, Ford, Freeman, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representatives Barnes, Black (M), Box, Buskey (JE), Buskey (JL), Butler,

Clark (W), Curry, Escott-Russell, Gaston, Holmes, Kennedy, Kvalheim, McClain, McDowell, Morton, Newton (D), Perdue, Rockhold, Rogers (J), Spratt and Zoghby.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 41. To make supplemental appropriations from the State General Fund to the Alabama Mining Museum and to the Alabama Mining Academy for the fiscal year ending September 30, 1993

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 27. To make a supplemental appropriation to the Department of Corrections from the State General Fund in the amount of \$13,600,100 and provides for the reversion of any funds that become available from the General Fund to the Department of Corrections above \$143,600,000 for the fiscal year ending September 30, 1993.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 26. To make a supplemental appropriation to the Department of Forensic Sciences from the State General Fund in the amount of \$646,000 for the fiscal year ending September 30, 1993 and provides a supplemental appropriation to the Alabama Homebound Program from the State General Fund in the amount of \$500,000 for the fiscal year ending September 30, 1993.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SECOND EXTRAORDINARY SESSION
6th Day

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:53 P.M. on September 30, 1992.

H. 76	H.J.R. 77
H. 100	H.J.R. 72
H. 66	H.J.R. 64
H.J.R. 94	H. 70
H.J.R. 88	H. 41
H.J.R. 87	H. 26
H.J.R. 82	H. 27

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Blakeney, the House adjourned until 10:00 o'clock a.m., Thursday, October 1, 1992.

Yeas 50; Nays 32.

Yea:

Representatives Anderson, Barnes, Biddle, Black (M), Bowling, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Goodwin, Hogan, Holladay, Holmes, Hooper, Kennedy, Laird, Letson, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Mikell, Morton, Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rogers (F), Rogers (J), Smith (R), Spratt, Starkey, Turnham, Walker and Willis.

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Nay:

Representatives Black (L), Box, Butler, Campbell, Carothers, Collins, Cosby, Freeman, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Johnson, Knight, Kvalheim, McDaniel, Morrow, Parker (P), Poole, Richardson, Rockhold, Sanderford, Smith (C), Thomas, Venable, Warren and Zoghby.

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JOURNAL OF THE HOUSE, 1992
7th Day

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, October 1, 1992

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Jeff Dolbare.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by David Rogers, 12th Grade, Greenville High School, Greenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Harvey, the reading at length of the Journal of the House for the sixth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the sixth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

And said Bill, HB 63, together with the Conference Report, is herewith returned to the House.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in

determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced:

By Representative Hammett:

H.J.R. 101. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn on today, Thursday, October 1, 1992, they adjourn sine die.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 101, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Mathis:

H.R. 102. CONGRATULATING SYLVIA AND FREDERICK STEWART ON THE OCCASION OF THEIR THIRTY-EIGHTH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Representatives White, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby:

H.J.R. 103. WISHING GOVERNOR GEORGE C. WALLACE A SPEEDY RECOVERY.

WHEREAS, it is with deep regret that the Alabama Legislature notes the hospitalization of Governor George C. Wallace, and the seriousness of his illness which is a cause of much concern to all citizens of the State; and

WHEREAS, we are encouraged, however, that Governor Wallace is continuing to display the determination and fighting spirit he has shown in the years since an attempted assassination left him in constant pain, and subject to recurring infections and other illnesses; and

WHEREAS, we further wish to assure the Governor and all his family that our thoughts and prayers are with them during this time of such great distress, and that we earnestly beseech for him the speediest possible recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to Governor George Wallace our sincere best wishes during his illness and express our hopes that he will shortly be leaving the hospital to continue his recuperation at home.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace's family that they may personally convey our thoughts to him, and know also of our concern for them.

On motion of Representative White, the rules were suspended and the resolution, H.J.R. 103, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives White, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby:

H.R. 104. WISHING GOVERNOR GEORGE C. WALLACE A SPEEDY RECOVERY.

Also:

By Representative Collins:

H.R. 105. COMMENDING ROBERT HENRY, TEXTILE CITIZEN OF THE YEAR.

LEAVE OF ABSENCE

At the request of Representative Gaines, leave of absence was granted for Representative Sanderson.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 18. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 27. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 34. To amend Section 40-17-1, Code of Alabama 1975, relating to the definition of "motor fuel"; to amend Section 40-17-11, Code of Alabama 1975, as amended by Act No. 92-543 enacted at the 1992 Regular Session of the Legislature of Alabama, relating to the recordkeeping requirements and corresponding liability for tax on the sale and use of motor fuels; and to impose penalties for using the use of motor fuel on the highways on which the tax has not been paid.

Also:

S. 53. To provide for the adoption of Article 2A of the Uniform Commercial Code relating to leases of goods; to amend Section 7-1-105 of the Code of Alabama 1975, relating to the territorial application of the Uniform Commercial Code and the power of parties to contracts to choose the applicable law, so as to include a cross-reference to Article 2A; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest" by modifying the rules for determining whether a transaction is a security interest or a lease; to amend Section 7-9-113 of the Code of Alabama 1975, relating to security interests arising under the article on sales under the Uniform Commercial Code, so as to include reference to security interests arising under the Article 2A; to amend Section 35-4-54 of the Code of Alabama 1975, relating to the recordation of certain conveyances creating estates for life or years in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; to amend Section 35-4-94 of the Code of Alabama 1975, relating to the recordation of certain loans in writing, wills and conveyances of estates in personal property, so as to exclude therefrom all leases including without limitation leases under the Uniform Commercial Code; and to provide for an effective date.

Also:

S. 54. To provide for the adoption of Article 4A of the Uniform Commercial Code relating to funds transfers and to amend Section 7-1-105, Code of Alabama

1975, to provide for territorial application of the governing law under Article 4A; and to provide for an effective date.

Also:

S. 66. To establish certain due process rights for persons under investigation by the Department of Human Resources for alleged child abuse and/or neglect; and to amend Section 26-14-8, Code of Alabama, 1975, as amended, relating to the statewide central registry for reports of child abuse and neglect so as to further provide for the release of such information and the removal of names from the central registry.

Also:

S. 80. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 63. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 28. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make an appropriation from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety.

Also:

H. 30. To amend Section 11-43-86, Code of Alabama 1975, to increase the expense allowance of the mayor of any Class 1 city to \$1,833.33 per month; to provide that the expense allowance shall be eligible for certain treatment, both in

determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; to supersede all laws or parts of laws in conflict; to provide for the severability of any invalid provision of the act; and to provide for the effective date of the act.

Also:

H. 39. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

CO-SPONSOR ADDED

Representative Smith (C) was added as co-sponsor to the bill, H. 101.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee that shall be collected as a fine; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and to provide an appropriation therefrom to the Department of Public Safety.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House concurred in and adopted the Senate amendment to the bill, H. 29, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and the Court Automation Fund and to provide appropriations therefrom.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other costs, fees, or fines prescribed by law, each person convicted of a crime in a municipal, district or circuit court, except traffic cases which do not involve driving under the influence of alcohol or controlled substances as set out in Section 32-5A-191, Code of Alabama 1975, and conservation cases and juvenile cases shall be assessed a criminal history processing fee of ten dollars. Such assessment shall be automatically assessed by the Clerk of the Court upon conviction.

Section 2. There is created in the State Treasury a fund to be designated as the Public Safety Automated Fingerprint Identification System Fund and a fund to be designated as the Court Automation Fund. Seven dollars of each additional fee collected pursuant to this act shall be deposited into the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund and three dollars to the Court Automation Fund. All money deposited in the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund shall be expended for operations and maintenance of the Automated Fingerprint Identification System. All money deposited in the State Treasury Court Automation Fund shall be expended for equipment, operations, supplies, maintenance, and training related to court automation, court cost collection and the timely and efficient processing of court cases. No money shall be withdrawn or expended from these funds for any purpose unless the money has been allotted and budgeted in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the general appropriations bill or other appropriation bills.

Section 3. In addition to any and all other funds heretofore or hereinafter appropriated to the Department of Public Safety, there is hereby appropriated from the Public Safety Automated Fingerprint Identification System Fund to the Department of Public Safety, for the fiscal year ending September 30, 1993, the sum of

nine hundred thousand dollars (\$900,000). The appropriation provided in this section shall be expended for operations and maintenance of the Automated Fingerprint Identification System. In addition to any and all other funds heretofore or hereinafter appropriated to the Unified Judicial System, there is hereby appropriated from the Court Automation Fund to the Unified Judicial System, for the Fiscal Year ending September 30, 1993, the sum of four hundred thousand dollars (\$400,000) for expenditures authorized for this fund.

Section 4. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Petelos, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Cosby, the rules were suspended in order to take up out of order the bill, S. 19.

And the bill:

S. 19. (With Amendment): Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-50, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the

Standing Committee on Industrial Development and Economic Growth, said committee amendment being as follows:

On page 1, line 25, in the title, delete the numbers "40-17-50" and insert in lieu thereof the following: 40-17-150

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill, S. 19, as amended, was read a third time at length and passed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Richardson, the rules were suspended in order to take up out of order the bill, S. 42.

And the bill:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

was taken up.

AMENDMENT OFFERED

Representative Richardson offered the following amendment #1 to the bill, S. 42:

Amend S. 42 on page 4 of said bill, line 5, after the word "charge" by adding the following: ; provided, however, vehicles purchased with constitutionally earmarked funds are specifically excepted from this provision

AMENDMENT TABLED

On motion of Representative Escott-Russell, the amendment #1 offered by Representative Richardson to the bill, S. 42, was tabled.

Yeas 54; Nays 16.

Yea:

Representatives Beasley, Biddle, Black (L), Bryant, Bugg, Buskey (JE), Carns, Carothers, Clay, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaston, Hammett, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Letson, Mathis, McKee, McMillan, Morrow, Morton, Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Rogers (F), Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

Nay:

Representatives Campbell, Collins, Freeman, Gullatt, Hall, Hamilton, Haney, Harvey, Hogan, Layson, McDaniel, Mikell, Newton (C), Richardson, Sanderford and Smith (R).

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MOTION OFFERED TO TEMPORARILY CARRY OVER

Representative Richardson offered the motion to temporarily carry over the bill, S. 42.

MOTION IN WRITING ADOPTED

Representative Haynes offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 31; Nays 25.

Yea:

Representatives Beasley, Box, Bugg, Buskey (JL), Carothers, Clay, Cosby, Cullins, Dolbare, Escott-Russell, Haynes, Hill, Holladay, Johnson, Laird, Layson, Mathis, McMillan, Mikell, Newton (C), Newton (D), Parker (P), Perdue, Poole, Spratt, Thomas, Turner, Walker, Warren, White and Zoghby.

-31

Nay:

Mr. Speaker, Buskey (JE), Campbell, Collins, Curry, Freeman, Gaston, Gullatt, Hall, Hamilton, Haney, Harvey, Higginbotham, Knight, Kvalheim, Lindsey, McDaniel, Morrow, Petelos, Powell, Richardson, Rockhold, Sanderford, Smith (R) and Starkey.

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S. 42 TEMPORARILY CARRIED OVER

The question was then on the motion offered by Representative Richardson to temporarily carry over the bill, S. 42, and the motion was adopted.

Yeas 37; Nays 29.

Yea:

Representatives Black (M), Box, Carns, Collins, Crow, Curry, Dolbare, Freeman, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hogan, Holley, Kvalheim, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Powell, Richardson, Sanderford, Smith (R), Starkey, Turner, Walker, Williams and Willis.

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Nay:

Representatives Beasley, Biddle, Black (L), Bryant, Bugg, Buskey (JL), Carothers, Clay, Cosby, Escott-Russell, Flowers, Haynes, Hill, Johnson, Knight, Laird, Layson, Mathis, Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Rockhold, Spratt, Turnham, Warren and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the bill, S. 36.

And the bill:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

was read a third time at length and passed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hogan intended to vote "Yea" on passage of the bill, S. 36.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 5. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits of Vestavia Hills, Alabama, certain other territory in Jefferson County, Alabama.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 29. To levy upon each person convicted of a crime in a municipal, district or circuit court a criminal history processing fee; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and the Court Automation Fund and to provide appropriations therefrom.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RECESS

On motion of Representative Hammett, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-150, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 43. To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

S. 42 AGAIN TAKEN UP

AMENDMENT OFFERED

Representative Richardson offered the following amendment #2 to the bill, S. 42:

Amend S. 42 on page 4 of said bill, line 5, after the word "charge" by adding the following: ; provided, however, vehicles purchased with constitutionally earmarked funds are specifically exempted from this provision

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 52; Nays 8.

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Yea:

Mr. Speaker, Beasley, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Freeman, Gaines, Gaston, Gullatt, Hammett, Hawkins, Haynes, Higginbotham, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Melton, Mikell, Morrow, Newton (C), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Carothers, Dolbare, Hill, Mathis, McKee, Morton, Parker (P) and Sanderford.

- 8

MOTION TO ADJOURN LOST

The motion offered by Representative Kvalheim that the House adjourn was lost.

S. 42 RESUMED

And the bill, S. 42, as amended, was read a third time at length and passed.

Yeas 59; Nays 8.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Hawkins, Haynes, Higginbotham, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, Melton, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Rockhold, Rogers (F), Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Haney, McDaniel, McKee, McMillan, Parker (P), Richardson, Sanderford and Smith (R).

- 8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 19. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

MCDOWELL LEE
Secretary

SENATE MESSAGE**MOTION TO CONCUR OFFERED**

Representative Box offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 19, said amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) No bill that would result in a net increase in periods of imprisonment in facilities of the Department of Corrections may be enacted unless it provides either in such bill or separate bill or bills enacted a source of additional revenue and an appropriation therefrom to the Department of Corrections in the amount of the estimated annual operating costs that would be incurred by the Department of Corrections pursuant to the bill.

(b) "Estimated Annual Operating Costs," as used in this act, means the amount of additional expenditures the Department of Corrections will incur because of the act, as contained in the fiscal note, prepared by the Legislative Fiscal Office.

(c) When preparing a fiscal note on a bill that would result in a net increase in periods of imprisonment in facilities operated by the Department of Corrections, the Legislative Fiscal Office shall calculate the estimated annual operating costs of

the act. In making the estimate, the office shall exclude capital costs and shall calculate the amount based on the cost of the act in current dollars.

Section 2. Any law enacted without the funding required by this act shall be null and void.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION TO NON-CONCUR OFFERED

Representative Holley offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 19.

MOTION TO TABLE LOST

The motion offered by Representative Venable to table the substitute motion offered by Representative Holley to non-concur in the Senate amendment to the bill, H. 19, was lost.

Yeas 27; Nays 40.

Yea:

Representatives Blakeney, Box, Bryant, Bugg, Buskey (JL), Crow, Cullins, Escott-Russell, Freeman, Hammett, Harper, Haynes, Higginbotham, Hogan, Johnson, Layson, Mathis, McDaniel, Millican, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Spratt, Turnham and Walker.

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Nay:

Representatives Beasley, Buskey (JE), Carns, Carothers, Clay, Collins, Cosby, Curry, Dolbare, Flowers, Gaines, Gaston, Gullatt, Haney, Harvey, Hawkins, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Letson, McKee, McMillan, Mikell, Morton, Payne, Petelos, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Venable, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 19. Relating to the operation of certain tour buses in this state; to provide for the payment of the registration fee payable to Public Service Commission and the identification marker or trip permit fee payable to the Department of Revenue by a single payment submitted to the Department of Tourism and Travel; and to exempt tour buses from the motor carrier mileage tax; for this purpose amending Sections 37-3-32, 40-17-150, 40-19-1, and 40-19-2 of the Code of Alabama 1975.

Also:

S. 43. To make a supplemental appropriation from the State General Fund to the Military Department for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 99. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H.J.R. 101. RELATIVE TO MEETING DAYS

Also:

H.J.R. 103. WISHING GOVERNOR GEORGE C. WALLACE A SPEEDY RECOVERY.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 36. Relating to the Department of Archives and History and the powers, duties, and authority of the department over certain state property; amending Section 36-16-8, Code of Alabama 1975, relating to the property inventory control division of the Office of State Auditor to allow certain objects to be transferred to the Department of Archives and History; amending Section 41-6-10, Code of Alabama 1975, relating to the transfer of certain official books, records, documents, papers, and files by any state or county officials to the department for permanent preservation; authorizing the department to transfer certain property, quiet title to certain abandoned property, collect fees for certain services, establish a store, and deposit funds in revolving funds to be expended by the department; and making appropriations to the department from the revolving funds.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 19 RESUMED

MOTION TO TABLE LOST

The motion offered by Representative Box to table the substitute motion offered by Representative Holley to non-concur in the Senate amendment to the bill, H. 19, was lost.

Yeas 29; Nays 40.

Yea:

Mr. Speaker, Blakeney, Box, Bryant, Bugg, Buskey (JL), Campbell, Cullins, Escott-Russell, Flowers, Freeman, Hammett, Harper, Higginbotham, Hogan, Layson, Mathis, McMillan, Melton, Millican, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Richardson, Spratt, Turnham and Walker.

-29

Nay:

Representatives Beasley, Buskey (JE), Carns, Carothers, Clay, Collins, Crow, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Haney, Harvey, Hawkins, Haynes, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Letson, McKee, Mikell, Morton, Payne, Petelos, Rockhold, Rogers (F), Smith (C), Smith (R), Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

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SUBSTITUTE MOTION TO NON-CONCUR ADOPTED

The question was then on the substitute motion offered by Representative Holley to non-concur in the Senate amendment to the bill, H. 19, and the substitute motion was adopted.

Yeas 37; Nays 33.

Yea:

Representatives Anderson, Buskey (JE), Carns, Clay, Collins, Cosby, Crow, Curry, Dolbare, Gaines, Gaston, Gullatt, Haney, Harvey, Hawkins, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Letson, McKee, Mikell, Morton, Payne, Petelos, Rockhold, Rogers (F), Smith (R), Thomas, Turner, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Mr. Speaker, Beasley, Blakeney, Box, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Cullins, Escott-Russell, Freeman, Hammett, Harper, Haynes, Higginbotham, Hogan, Johnson, Layson, Mathis, McDaniel, McMillan, Melton, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Spratt, Walker and White.

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MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Representative Holley offered the motion to reconsider the vote by which the substitute motion offered by him to non-concur in the Senate amendment to the bill, H. 19, was adopted, and on motion of Representative Holley, the motion to reconsider was tabled.

Yeas 39; Nays 27.

Yea:

Representatives Anderson, Buskey (JE), Carns, Clay, Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Gullatt, Haney, Harvey, Hawkins, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Letson, McKee, Mikell, Morton, Payne, Petelos, Rockhold, Rogers (F), Smith (C), Smith (R), Thomas, Turner, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Mr. Speaker, Beasley, Box, Bryant, Bugg, Campbell, Carothers, Cullins, Haynes, Higginbotham, Hogan, Johnson, Layson, Mathis, McDaniel, McMillan, Melton, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Spratt, Walker and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House concurred in and adopted the Senate amendment to the bill, H. 80, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of five hundred thousand dollars (\$500,000), out of the funds in the State General Fund to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol.

Section 2. This act shall become effective October 1, 1992.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 99. COMMENDING DR. ROBERT M. MCCHESENEY ON THE OCCASION OF HIS INAUGURATION AS THE 13TH PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H.J.R. 101. RELATIVE TO MEETING DAYS

Also:

H.J.R. 103. WISHING GOVERNOR GEORGE C. WALLACE A SPEEDY RECOVERY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Corbett, Bailey, Bedsole, Parsons, Langford, Dial, Waggoner, Owens, Bolling, Foshee, Dixon, Campbell, Lipscomb, Ellis, Little, Lindsey, Mitchell, deGraffenried, Amari, Denton, Horn, and Ghee:

S.J.R. 30. CREATING AN INTERIM COMMITTEE TO STUDY THE TRANSCO OIL FUNDS MANAGED BY THE ALABAMA HISTORICAL COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Interim Committee to Study the Transco Oil Settlement. The Committee shall be composed of five state Senators appointed by the Lieutenant Governor, and five members of the House of Representatives, appointed by the Speaker of the House.

The Committee shall study the issues involved in the settlement between the State of Alabama and Transco Oil, particularly the limitations placed upon the

use of funds awarded the state pursuant to such settlement.

The Committee shall meet as soon after their appointment as practicable and choose one of their members as chairperson and another as vice-chairperson. The Committee shall report their findings to the full Legislature by the 15th legislative day of the 1993 Regular Session.

Members of such committee shall be entitled to receive their normal per diem and expense allowances on committee meeting days. Provided, however, that such committee shall not expend more than \$5,000 on meetings during its existence. Upon request of its chairperson, the Secretary of the Senate and the Clerk of the House shall provide meeting space and clerical assistance as may be necessary for the committee's work.

MCDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Dolbare that the House suspend the rules to concur in and adopt the resolution, S.J.R. 30, was lost.

The resolution, S.J.R. 30, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

MCDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Holmes:

H.J.R. 106. LEGISLATIVE DECLARATION OF THE MEANING OF "MINORITY SET-ASIDES."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature declares that the term "minority set-asides" as it pertains to contracts involving state departments, agencies, boards, commissions, and other entities, applies exclusively to Black African-Americans.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the Director of Finance.

The motion offered by Representative Holmes to suspend the rules and adopt the resolution, H.J.R. 106, was lost.

The resolution, H.J.R. 106, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

MCDOWELL LEE
Secretary

MOTION TO ADJOURN LOST

The motion offered by Representative Mathis that the House adjourn was lost.

Yeas 19; Nays 47.

Yea:

Representatives Black (L), Cosby, Crow, Cullins, Dolbare, Haney, Johnson, Kvalheim, Laird, Layson, McDaniel, McKee, Mikell, Parker (T), Powell, Sanderford, Turner, Walker and Willis.

-19

Nay:

Mr. Speaker, Beasley, Bryant, Bugg, Campbell, Carns, Carothers, Clay, Collins, Curry, Escott-Russell, Freeman, Fuller, Gaines, Gullatt, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Kennedy, Knight, Mathis, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Thomas, Venable, Warren, White and Zoghby.

-47

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 90. To make an appropriation for the support and maintenance of the Alabama Symphony for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Harper offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 90, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Alabama State Council on the Arts for the support and maintenance of the Alabama Symphony for the fiscal year ending

September 30, 1993 and to provide that the last two quarterly allotments of this appropriation shall not be released until the Alabama Symphony receives additional private contributions or funds in fiscal year 1992-93.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of seven hundred thousand dollars (\$700,000), out of the funds in the Alabama Special Educational Trust Fund to the Alabama State Council on the Arts for the support and maintenance of the Alabama Symphony.

Section 2. The last two quarterly allotments of this appropriation shall not be released to the Alabama Symphony until the Symphony's Board certifies to the Director of Finance that the private contributions and any other non-state sources of funds available to the Symphony in fiscal year 1992-93 will total at least \$1,000,000.

Section 3. This act shall become effective October 1, 1992.

SUBSTITUTE MOTION TO NON-CONCUR OFFERED

Representative Johnson offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 90.

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the substitute motion offered by Representative Johnson to non-concur in the Senate amendment to the bill, H. 90, was lost.

Yeas 28; Nays 37.

Yea:

Mr. Speaker, Box, Bugg, Buskey (JE), Buskey (JL), Carns, Carothers, Cosby, Curry, Escott-Russell, Flowers, Fuller, Gaines, Hammett, Harper, Hawkins, Hooper, Knight, Kvalheim, Morton, Newton (D), Payne, Perdue, Petelos, Spratt, Turnham, Venable and Zoghby.

-28

Nay:

Representatives Beasley, Bryant, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gullatt, Haney, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson, Laird, Layson, Mathis, McDaniel, McKee, Mikell, Millican, Morrow,

Newton (C), Parker (P), Parker (T), Poole, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Walker, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 47. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 88. To make an appropriation to the Legislative Council for the 1992-93 fiscal year.

Also:

H. 80. To make an appropriation to the Alabama Historical Commission for capital outlay to complete the renovation of the State Capitol for the fiscal year ending September 30, 1993.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

MCDOWELL LEE
Secretary

H. 90 RESUMED**SUBSTITUTE MOTION TO NON-CONCUR TABLED**

On motion of Representative Harper, the substitute motion offered by Representative Johnson that the House non-concur in the Senate amendment to the bill, H. 90, was tabled.

Yeas 39; Nays 34.

Yea:

Mr. Speaker, Barnes, Box, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Cosby, Curry, Escott-Russell, Flowers, Gaines, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hooper, Kennedy, Knight, Kvalheim, McClain, McDowell, McMillan, Morton, Newton (D), Parker (T), Payne, Perdue, Petelos, Rogers (F), Rogers (J), Spratt, Turnham, Venable, White and Zoghby.

-39

Nay:

Representatives Blakeney, Bryant, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gullatt, Haney, Haynes, Hill, Holley, Holmes, Johnson, Laird, Layson, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Parker (P), Poole, Rockhold, Sanderford, Smith (C), Smith (R), Thomas, Turner, Walker, Warren and Willis.

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MOTION TO ADJOURN LOST

The motion offered by Representative Walker that the House adjourn was lost.

H. 90 RESUMED

The question was then on the motion offered by Representative Harper that the House concur in and adopt the Senate amendment to the bill, H. 90.

MOTION IN WRITING ADOPTED

Representative Haynes offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 28; Nays 22.

Yea:

Mr. Speaker, Bugg, Clay, Crow, Cullins, Freeman, Hammett, Harvey, Hawkins, Haynes, Hill, Holmes, Johnson, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Morrow, Parker (P), Rogers (F), Smith (C), Spratt, Turner, Warren, Willis and Zoghby.

-28

Nay:

Representatives Blakeney, Bryant, Campbell, Carns, Carothers, Cosby, Curry, Dolbare, Flowers, Gaines, Gullatt, Haney, Knight, Mikell, Morton, Parker (T), Payne, Petelos, Sanderford, Smith (R), Venable and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO CONCUR LOST

The question was then on the motion offered by Representative Harper that the House concur in and adopt the Senate amendment to the bill, H. 90, and the motion was lost.

Yeas 28; Nays 34.

Yea:

Mr. Speaker, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Cosby, Curry, Flowers, Gaines, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hooper, Knight, Kvalheim, McMillan, Morton, Newton (D), Perdue, Petelos, Rogers (F), Spratt, Turnham and Zoghby.

-28

Nay:

Representatives Blakeney, Bryant, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gullatt, Haney, Haynes, Hill, Hogan, Holmes, Johnson, Laird, Layson,

Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Parker (P), Parker (T), Sanderford, Smith (C), Smith (R), Thomas, Turner, Venable, Warren, White and Willis.

-34

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Escott-Russell intended to vote "Yea" on the motion offered by Representative Harper that the House concur in and adopt the Senate amendment to the bill, H. 90.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

MCDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Holley offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 4, said Senate amendment being as follows:

Amend House Bill 4 on page 4 line 30 by striking the word "to" and inserting the following: "and to pay the necessary expenses for".

Further amend the bill on page 7 by striking line 1 in its entirety and striking the words "gift." on line 2 and inserting in lieu thereof the following: "income, by school or school system as the case may be."

**SUBSTITUTE MOTION TO NON-CONCUR AND
APPOINT A COMMITTEE ON CONFERENCE TABLED**

On motion of Representative Holley, the substitute motion offered by Representative Petelos that the House non-concur in the Senate amendment to the bill, H. 4, and request a Committee on Conference be appointed on the disagreement of the two Houses was tabled.

Yeas 34; Nays 13.

Yea:

Mr. Speaker, Black (L), Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Hammett, Haynes, Higginbotham, Holley, Johnson, Kvalheim, Laird, Mathis, McMillan, Mikell, Millican, Morrow, Parker (P), Poole, Smith (C), Thomas, Turner, Venable, Warren and Willis.

-34

Nay:

Representatives Carns, Curry, Escott-Russell, Gaines, Hawkins, Hooper, Morton, Newton (D), Payne, Perdue, Petelos, Rogers (F) and Spratt.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 82. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Representative Escott-Russell that the House adjourn was lost.

H. 4 RESUMED

The question was then on the motion offered by Representative Holley that the House concur in and adopt the Senate amendment to the bill, H. 4, and the motion was adopted.

Yeas 49; Nays 6.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bryant, Buskey (JL), Campbell, Carothers, Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Freeman, Gaines, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kvalheim, Laird, Layson, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Newton (C), Parker (P), Poole, Rogers (F), Sanderford, Smith (C), Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-49

Nay:

Representatives Carns, Escott-Russell, Hawkins, Newton (D), Perdue and Petelos.

- 6

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S.J.R. 31. URGING THE HISTORICAL COMMISSION TO PRESENT A COMPREHENSIVE PLAN TO THE LEGISLATURE REGARDING THE ALLOCATION OF FUNDS AVAILABLE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Historical Commission to present a comprehensive plan to each member of the Legislature regarding the allocation of all funds received by the Commission from the Transco Settlement. Provided, however, the funds distributed pursuant to the existing federal court order are excluded from any financial plan to be presented by the Historical Commission.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carothers, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 31, set out in the foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Hammett, the reading at length of the Journal of the House for the seventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the seventh legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 42. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 31. URGING THE HISTORICAL COMMISSION TO PRESENT A COMPREHENSIVE PLAN TO THE LEGISLATURE REGARDING THE ALLOCATION OF FUNDS AVAILABLE.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 4. To provide for the creation of an Alabama Education Foundation For Kindergarten through Grade Twelve Public Schools; provide for its operation; provide for its acceptance of contributions, grants, appropriations and donations; provide for the investment of said funds; provide for distribution of funds; and provide for the creation of perpetual trusts to support the programs of local schools and local school systems.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:50 A.M. on October 1, 1992.

H. 28

H. 30

H. 39

Delivered to the Secretary of State at 10:50 A.M. on October 1, 1992.

H. 63 (Constitutional Amendment)

Delivered to the Governor at 11:28 A.M. on October 1, 1992.

H. 5

H. 29

JOURNAL OF THE HOUSE, 1992
7th Day

Delivered to the Governor at 1:57 P.M. on October 1, 1992.

H.J.R. 99

H.J.R. 101

H.J.R. 103

Delivered to the Governor at 2:33 P.M. on October 1, 1992.

H. 88

H. 80

H. 47

Delivered to the Governor at 3:25 P.M. on October 1, 1992.

H. 82

Delivered to the Governor at 3:55 P.M. on October 1, 1992.

H. 4

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Hammett and pursuant to the resolution, H.J.R. 101, heretofore adopted, the House adjourned sine die at 3:45 o'clock p.m.

GREG PAPPAS
Clerk of the House of Representatives
of the Legislature of Alabama
Extraordinary Session, 1992.

**HOUSE OF REPRESENTATIVES
SECOND EXTRAORDINARY SESSION 1992
ALPHABETICAL ROSTER AND DISTRICT NUMBERS**

Morris Anderson, 8
David Barnes, 58
John P. Beasley, 85
Jack Biddle, III, 43
Lucius Black, 67
Marcel Black, 2
Harrell Blakeney, 66
W. C. "Bill" Bowling, 12
Mike Box, 96
Jenkins Bryant, Jr., 68
June Bugg, 29
Ralph Burke, 24
John L. Buskey, 77
James E. Buskey, 99
Tom Butler, 6
Johnny Cagle, 14
James M. Campbell, 36
Jim Carns, 46
Joe Carothers, 86
Tommy Carter, 5
James S. (Jimmy) Clark, 84
William "Bill" Clark, 98
George H. Clay, 82
Sam Collins, 16
W. F. "Noople" Cosby, Jr., 70
Bobby C. Crow, 35
James T. Cullins, 81
Johnny L. Curry, 50
Jeff Dolbare, 65
Tom Drake, 11
Sundra Escott-Russell, 60
Steve Flowers, 89
Joe M. Ford, 28
Dewayne Freeman, 21
Bill Fuller, 38
Mark Gaines, 55
Victor Gaston, 100
J. W. (Joe) Goodwin, 3
George Grayson, 19
Jane Gullatt, 83
Albert Hall, 22
James H. (Goat) Hamilton, 4
James C. Haney, 10
Seth Hammett, 92
Taylor Harper, 105
Bob Harvey, 27
John H. Hawkins, Jr., 48
Clarence Haynes, 32
G. J. (Dutch) Higginbotham, 80
Michael Hill, 41
Thomas E. Hogan, 13
Hugh Holladay, 42
Jimmy W. Holley, 91

Alvin Holmes, 78
Perry O. Hooper, Jr., 73
Ronald G. Johnson, 33
Yvonne Kennedy, 103
Al Knight, 40
Ken Kvalheim, 101
Richard Laird, 37
Allen Layson, 15
Sam Letson, 7
Richard J. Lindsey, 39
Nathan Mathis, 87
Edward B. (E. B.) McClain, 57
Walter F. McDaniel, 26
Bobby Greene McDowell, 56
Bob McKee, 74
Steve McMillan, 95
Bryant Melton, Jr., 61
Mike Mikell, 76
Mike Millican, 17
Johnny Mack Morrow, 18
Albert G. Morton, 45
Charles Newton, 90
Demetrius C. Newton, 53
Paul Parker, 9
Tim Parker, 63
Arthur Payne, 44
Walter E. Penry, Jr., 94
George Perdue, 54
Tony Petelos, 49
Phil Poole, 62
Horace W. Powell, Sr., 71
Kerry Rich, 25
Ben T. Richardson, 23
Lols Rockhold, 104
Frank Rogers, 51
John W. Rogers, 52
Howard Sanderford, 20
Allen Sanderson, 47
Roy E. Smith, 30
Curtis Smith, 72
Lewis G. Spratt, Sr., 59
Nelson R. Starkey, Jr., 1
James Louis Thomas, 69
J. E. Turner, 102
Pete Turnham, 79
Jack B. Venable, 31
James E. (Jimmy) Warren, 64
Claud Walker, 75
Frank P. "Skippy" White, 93
R. Nolan Williams, 88
Gerald Willis, 34
Mary S. Zoghby, 97

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA 1992

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL, *Speaker Pro Tem*, Anniston

GREG PAPPAS, *Clerk*, Montgomery

DON LADNER, *Administrative Assistant*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr.....	301 North Pine Street, Florence 35630
2	COLBERT Marcel Black.....	P.O. Box 491, Tusculumbia 35674
3	COLBERT, LAUDERDALE J. W. (Joe) Goodwin.....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE James H. (Goat) Hamilton.....	Route 3, Box 119, Rogersville 35652
5	LIMESTONE Tommy Carter.....	Route 2, Box 82, Elkmont 35620
6	MADISON Tom Butler.....	136 Hartington Drive, Madison 35758
7	LAWRENCE, MORGAN Sam Letson.....	3980 Highway 36, Moulton 35650
8	MORGAN Morris Anderson.....	3219 Vicksburg Drive, Decatur 35603-3109
9	MORGAN Paul Parker.....	303 North Douglas Street, Hartselle 35640
10	MADISON James C. Haney.....	809 Tannahill Drive, Huntsville 35802
11	CULLMAN, MORGAN Tom Drake.....	P.O. Box 1165, Cullman 35055

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA-Continued

- 12 CULLMAN
W. C. "Bill" Bowling.....804 County Road 483, Hanceville 35077
- 13 WALKER
Thomas E. Hogan.....300 12th Avenue, Northeast, Jasper 35501
- 14 TUSCALOOSA, WALKER
Johnny Cagle.....Route 2, Box 105, Nauvoo 35578
- 15 PICKENS, TUSCALOOSA
Allen Layson.....P.O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Sam Collins.....1019 13th Street, N.W., Fayette 35555
- 17 MARION, WINSTON
Mike Millican.....Route 1, Box 71, Hamilton 35570
- 18 FRANKLIN, MARION
Johnny Mack Morrow.....Route 6, Box 262A, Russellville 35653
- 19 MADISON
George Grayson.....P.O. Box 38, Normal 35762
- 20 MADISON
Howard Sanderford.....908 Tannahill Drive, S.E., Huntsville 35802-1971
- 21 MADISON
Dewayne Freeman.....114 East Becky Circle, Meridianville 35759
- 22 JACKSON, MADISON
Albert Hall.....Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson.....P.O. Box 1017, Scottsboro 35768
- 24 DEKALB
Ralph Burke.....P.O. Box 1564, Rainsville 35986
- 25 MARSHALL
Kerry Rich.....107 Stoddard Circle, Arab 35016
- 26 DEKALB, MARSHALL
Walter F. McDaniel.....P.O. Box 577, Albertville 35950
- 27 BLOUNT
Bob Harvey.....Route 5, Box 4098, Oneonta 35121
- 28 ETOWAH
Joe M. Ford.....Gadsden State Community College
P.O. Box 227, Gadsden 35902-0227
- 29 ETOWAH
June Bugg.....610 South Fifth Street, Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Roy E. Smith.....208 Robin Circle, Gadsden 35901

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA-Continued

- 31 COOSA, ELMORE
Jack B. Venable.....P.O. Box 736, Tallassee 36078
- 32 TALLADEGA
Clarence Haynes.....P.O. Box 1041, Talladega 35160
- 33 TALLADEGA
Ronald G. Johnson.....Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Gerald Willis.....Route 2, Box 286, Piedmont 36272
- 35 CALHOUN
Bobby C. Crow.....150 Huckelberry Ridge, Anniston 36201
- 36 CALHOUN
James M. Campbell.....P.O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird.....1507 Bonner Drive, Roanoke 36274
- 38 CHAMBERS
Bill Fuller.....P.O. Box 317, LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB
Richard J. Lindsey.....Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
Al Knight.....2421 Brook Run, Birmingham 35244
- 41 SHELBY
Michael Hill.....114 Arlington Avenue, Columbiana 35051
- 42 ST. CLAIR
Hugh Holladay.....1711 Cogswell Avenue, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III.....2256 Pinehurst Drive, Gardendale 35071
- 44 JEFFERSON
Arthur Payne.....2825 Second Street, Northwest, Birmingham 35215
- 45 JEFFERSON
Albert G. Morton.....833 Zellmark Drive, Birmingham 35235
- 46 JEFFERSON
Jim Cams.....3 Office Park Circle, Suite 120, Birmingham 35223
- 47 JEFFERSON
Allen Sanderson.....126 Greenbriar Lane, Birmingham 35213
- 48 JEFFERSON
John H. Hawkins, Jr.....1841 Montclair Drive, Birmingham 35216
- 49 JEFFERSON
Tony Petelos.....1241 13th Place, Pleasant Grove 35127

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA-Continued

- 50 JEFFERSON
Johnny L. Curry.....3264 Fieldale Drive, Hueytown 35023
- 51 JEFFERSON
Frank Rogers.....803 North Main Street, Graysville 35073
- 52 JEFFERSON
John W. Rogers.....1424 18th Street, Southwest, Birmingham 35211
- 53 JEFFERSON
Demetrius C. Newton.....P.O. Box 2525, Birmingham 35202
- 54 JEFFERSON
George Perdue.....P.O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Mark Gaines.....329 Sterrett Avenue, Homewood 35209
- 56 JEFFERSON
Bobbie Greene McDowell.....2322 Dartmouth Avenue, Bessemer 35020
- 57 JEFFERSON
Edward B. (E. B.) McClain.....3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON
David Barnes.....9717 Zion City Road, Birmingham 35217
- 59 JEFFERSON
Lewis G. Spratt, Sr.....3809 Fourth Street, West, Birmingham 35207
- 60 JEFFERSON
Sundra Escott-Russell.....P.O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton, Jr.....5003 4th Avenue, Tuscaloosa 35405
- 62 HALE, TUSCALOOSA
Phil Poole.....P.O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908
- 64 CONECUH, MONROE
James E. (Jimmy) Warren.....P.O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Jeff Dolbare.....Star Route, Box 17, Bigbee 36510
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney.....1101 Old Highway 5, South
Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black.....P.O. Box 284, York 36925
- 68 DALLAS, HALE, PERRY
Jenkins Bryant, Jr.....Route 1, Box 482, Newbern 36765

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA-Continued

- 69 DALLAS, LOWNDES, WILCOX
James Louis Thomas.....2713 Highway 14, E., Selma 36701
- 70 DALLAS
W. F. "Noople" Cosby, Jr.....P.O. Box 683, Selma 36702
- 71 AUTAUGA, CHILTON
Horace W. Powell, Sr.....943 East Main Street, Prattville 36067
- 72 BIBB, CHILTON
Curtis Smith.....16131 Highway 22, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr.....3472 Bankhead Avenue, Montgomery 36111
- 74 MONTGOMERY
Bob McKee.....P.O. Box 424, Montgomery 36101
- 75 MONTGOMERY
Claud Walker.....P.O. Box 250477, Montgomery 36125
- 76 ELMORE, MONTGOMERY
Mike Mikell.....P.O. Box 993, Millbrook 36054
- 77 MONTGOMERY
John L. Buskey.....P.O. Box 6216, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes.....P.O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham.....P.O. Box 3490, Auburn 36831-3490
- 80 LEE
G. J. (Dutch) Higginbotham.....P.O. Box 2545, Opelika 36803
- 81 TALLAPOOSA
James T. Cullins.....P.O. Box 5, Alexander City 35010
- 82 BULLOCK, MACON
George H. Clay.....1201 Lake Shore Drive, Tuskegee 36083
- 83 RUSSELL
Jane Gullatt.....P.O. Box 626, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. (Jimmy) Clark.....P.O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON
John P. Beasley.....P.O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe Carothers.....Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis.....Route 2, Box 317, Wicksburg (Newton) 36352

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 88 DALE
R. Nolan Williams.....Route 2, Newton 36352
- 89 DALE, PIKE
Steve Flowers.....P.O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Charles Newton.....301 South Park Street, Greenville 36037
- 91 COFFEE
Jimmy W. Holley.....Route 2, Box 254-E, Elba 36323
- 92 COVINGTON
Seth Hammett.....P.O. Box 1418, Andalusia 36420
- 93 ESCAMBIA
Frank P. "Skippy" White.....Route 1, Box 427-Pollard, Flomaton 36441
- 94 BALDWIN
Walter E. Penry, Jr.....12040 County Road 54, Daphne 36526
- 95 BALDWIN
Steve McMillan.....P.O. Box 337, Bay Minette 36507
- 96 MOBILE
Mike Box.....P.O. Box 931, Saraland 36571
- 97 MOBILE
Mary S. Zoghby.....2862 Hilburn Drive, Mobile 36606
- 98 MOBILE
William "Bill" Clark.....711 S. Atmore Avenue, Prichard 36612
- 99 MOBILE
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 MOBILE
Victor Gaston.....864 West Parkwood Drive, Mobile 36608
- 101 MOBILE
Ken Kvalheim.....421 Dogwood Drive, Mobile 36609
- 102 MOBILE
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- 103 MOBILE
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 104 MOBILE
Lois Rockhold.....5163 Santos Drive, East, Mobile 36619
- 105 MOBILE
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ALABAMA STATE SENATE
ALPHABETICAL ROSTER AND DISTRICT NUMBER

John E. Amari, 15
Chip Bailey, 29
Lowell Ray Barron, 8
Ann Bedsole, 34
Jim Bennett, 19
George R. Bolling, 6
Ray Campbell, 3
J. Danny Corbett, 28
Ryan deGraffenried, Jr., 21
Bobby E. Denton, 1
Gerald Dial, 13
Larry Dixon, 25
Frank (Butch) Ellis, Jr., 14
Michael A. Figures, 33
Jack Floyd, 10
E. Crum Foshee, 31
Doug Ghee, 12
Don Hale, 4

Earl F. Hilliard, 20
W. Fred Horn, 18
Charles D. Langford, 26
W. H. (Pat) Lindsey, 22
Albert Lipscomb, 32
T. D. (Ted) Little, 27
"Walking" Wendell Mitchell, 30
Hinton Mitchem, 9
Walter Owens, 24
Mac Parsons, 17
Henry (Hank) Sanders, 23
Bill G. Smith, 7
Jim Smith, 2
J. T. (Jabo) Waggoner., 16
Robert T. Wilson, Jr., 5
Steve Windom, 35

ROSTER OF THE SENATE OF ALABAMA SECOND EXTRAORDINARY SESSION 1992

OFFICERS

JIM FOLSOM, JR., *Lieutenant Governor*, Montgomery

RYAN DEGRAFFENRIED, JR. *President Pro-Tem*, Tuscaloosa

MCDOWELL LEE, *Secretary*, Montgomery

D. PATRICK HARRIS, *Assistant Secretary*, Montgomery

DAVE AVANT, *Administrative Assistant*, Prattville

SUZAN MCCLELLAND, *Chief Clerk*, Montgomery

MEMBERS OF THE SENATE

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LAUDERDALE, LIMESTONE, MADISON Jim Smith.....	108-A South Side Square, Huntsville 35801
3	LAWRENCE, MORGAN Ray Campbell.....	P.O. Box 1988, Decatur 35602
4	CULLMAN, MADISON, MORGAN Don Hale.....	1725 Woodland Street, N.W., Cullman 35055
5	PICKENS, TUSCALOOSA, WALKER Robert T. Wilson, Jr.....	P.O. Box 2088, Jasper 35502
6	FAYETTE, FRANKLIN, LAMAR, MARION, WINSTON George R. Bolling.....	P.O. Box 350, Fayette 35555
7	MADISON Bill G. Smith.....	2009-D Gallatin Street, Huntsville 35801
8	DEKALB, JACKSON, MADISON Lowell R. Barron.....	P.O. Box 65, Fayette 35971
9	BLOUNT, DEKALB, MARSHALL Hinton Mitchem.....	P.O. Box 297, Albertville 35950
10	ETOWAH Jack Floyd.....	816 Chestnut Street, Gadsden 35999

ROSTER OF THE SENATE OF ALABAMA-Continued

- 11 COOSA, ELMORE, TALLADEGA
Vacant
- 12 CALHOUN
Doug Ghee.....P.O. Box 848, Anniston 36202
- 13 CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, RANDOLPH
Gerald Dial.....P.O. Box 248, Lineville 36266
- 14 BIBB, SHELBY, ST. CLAIR
Frank (Butch) Ellis, Jr.....P.O. Box 587, Columbiana 35051
- 15 JEFFERSON
John E. Amari.....9636 Parkway East, Birmingham 35215
- 16 JEFFERSON
J. T. (Jabo) Waggoner.....Two Perimeter Park, South
Suite 224 W., Birmingham 35243
- 17 JEFFERSON
Mac Parsons.....P.O. Box 3336, Hueytown 35023
- 18 JEFFERSON
W. Fred Horn.....333 16th Avenue, S.W., Birmingham 35211
- 19 JEFFERSON
Jim Bennett.....618 Manchester Lane, Homewood 35209
- 20 JEFFERSON
Earl F. Hilliard.....P.O. Box 11385, Birmingham 35202
- 21 HALE, TUSCALOOSA
Ryan deGraffenried, Jr.....P.O. Box 2263, Tuscaloosa 35403
- 22 CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE, WASHINGTON
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- 23 CHOCTAW, DALLAS, GREENE, LOWNDES, PERRY, SUMTER, WILCOX
Henry (Hank) Sanders.....P.O. Box 1305, Selma 36702-1305
- 24 AUTAUGA, BIBB, CHILTON, DALLAS
Walter Owens.....445 Walnut Street, Centreville 35042
- 25 MONTGOMERY
Larry Dixon.....P.O. Box 946, Montgomery 36101
- 26 ELMORE, MONTGOMERY
Charles D. Langford.....918 E. Grove Street, Montgomery 36104

**ROSTER OF THE SENATE
OF ALABAMA-Continued**

- 27 LEE, TALLAPOOSA
T. D. (Ted) Little.....P.O. Box 342, Auburn 36831
- 28 BARBOUR, BULLOCK, MACON, RUSSELL
J. Danny Corbett.....45 Wiggins Lane, Phenix City 36867
- 29 GENEVA, HENRY, HOUSTON
Chip Bailey.....P.O. Box 6791, Dothan 36302
- 30 BUTLER, CRENSHAW, DALE, PIKE
"Walking" Wendell Mitchell.....P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, ESCAMBIA
E. Crum Foshee.....Alabama State House, Montgomery 36130
- 32 BALDWIN, MOBILE
Albert Lipscomb.....P.O. Box 209, Magnolia Springs 36555
- 33 MOBILE
Michael A. Figures.....2317 St. Stephens Road, Mobile 36617
- 34 MOBILE
Ann Bedsole.....P.O. Box 16642, Mobile 36616
- 35 MOBILE
Steve Windom.....P.O. Drawer 2025, Mobile 36652

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